

TITLE 6. ECONOMIC SECURITY

CHAPTER 6. DEPARTMENT OF ECONOMIC SECURITY

DEVELOPMENTAL DISABILITIES

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ARTICLE 10. ~~CHILD~~ DEVELOPMENTAL FOSTER HOME LICENSE LICENSING

R6-6-1001. ~~Application for License~~ Definitions and Location of Definitions

- A.** ~~Married or single persons desiring to be licensed as a child developmental foster home shall apply for a license to the Division on the prescribed forms.~~
- B.** ~~The license applicant and any adult member of the household shall be fingerprinted for a criminal history record check. Any adult living on the premises and not residing in the home may be required to be fingerprinted for a criminal history record check.~~
- C.** ~~The license applicant, any adult member of the household, and any adult living on the premises shall authorize the Division to perform a background check through Adult Protective Services and Child Protective Services referral files.~~
- D.** ~~The license applicant shall participate in interviews with the Division and the home study process as required by the Division. The home study process shall include:~~
 - ~~1. An interview of all members of the license applicant's household;~~
 - ~~2. An interview of other knowledgeable parties as the Division determines appropriate, and~~
 - ~~3. An inspection of the physical premises by the Arizona Department of Health Services and the Division for compliance with this Article.~~
- E.** ~~To be eligible for licensure as a Child Developmental Foster Home, the license applicant shall:~~
 - ~~1. Be at least 21 years of age;~~
 - ~~2. Have income or resources independent of the Division room and board payments to meet the needs of the license applicant's family unit,~~

- ~~3. Not have employment that conflicts with the care and supervision of the foster child;~~
 - ~~4. Be of reputable and honest character; and~~
 - ~~5. Submit documentation that each child living in the home has received the immunizations appropriate to the child's age and state of health unless the license applicant has submitted a signed statement that the children have not been immunized because of affiliation with a religion which is opposed to such immunizations or because the license applicant is opposed to such immunizations.~~
- F.** ~~The license applicant and members of the household shall cooperate with the Division in obtaining information necessary to determine if the home meets the requirements of this Article. Such cooperation shall include, but is not limited to:~~
- ~~1. Providing releases of information;~~
 - ~~2. Authorizing release of medical records; and~~
 - ~~3. Submitting to psychological, psychiatric, drug testing, or other evaluations as required by the Division.~~
- G.** ~~The license applicant shall provide the Division with a minimum of three references who are familiar with the applicant's family and are not related to the license applicant by blood or by marriage. The Division may contact the references for further information regarding the character of the license applicant and ability of the license applicant to care for children with developmental disabilities.~~
- H.** ~~The Division may require the license applicant to submit references from current or previous employers.~~

- ~~I. All members of the license applicant's household shall agree with the decision to be licensed as a child developmental foster home.~~
- ~~J. The license applicant shall demonstrate an understanding of and the ability to meet the emotional, physical, social, developmental, educational, and intellectual needs of children.~~
- ~~K. The license applicant shall demonstrate the ability to nurture, to provide intellectual stimulation, to be sensitive to the needs of the foster children, and to protect children placed in the applicant's home from harm.~~
- ~~L. The license applicant shall not have any medical or emotional problems that may prevent the person from properly caring for foster children or that may negatively impact on foster children in the home.~~
- ~~1. Following approval of the home study by the Division, the license applicant shall submit, on forms prescribed by the Division, written statements from a licensed medical practitioner for each adult living in the home. The statement shall include the following:~~
 - ~~a. Confirmation that the physician has examined the adult in the last six months;~~
 - ~~b. A description of the person's general physical and emotional health;~~
 - ~~c. A list of all regularly prescribed medications and the purpose of the medication, and~~
 - ~~d. Identification of any medical or emotional problems that may prevent the person from caring for foster children or may impact on foster children in the home.~~

2. ~~The Division may require the license applicant to submit physician statements as described in this Section for other adults living on the premises.~~
- M.** ~~The license applicant shall attend prelicensure training as required by R6-6-1005.~~

A. Location of definitions. The following definitions applicable to this Article are found in the following Section or Citation:

<u>“Administrative Completeness Review”</u>	<u>R6-6-1501(B)</u>
<u>“Adult Developmental Home”</u>	<u>A.R.S. § 36-551</u>
<u>“Adult Household Member”</u>	<u>A.R.S. § 36-551</u>
<u>“Adverse Licensing Action”</u>	<u>R6-6-1001(B)</u>
<u>“Applicant”</u>	<u>R6-6-1001(B)</u>
<u>“Application”</u>	<u>R6-6-1001(B)</u>
<u>“Bed”</u>	<u>R6-6-1001(B)</u>
<u>“Certification”</u>	<u>R6-6-1001(B)</u>
<u>“Certified”</u>	<u>R6-6-1001(B)</u>
<u>“Certifying Agency”</u>	<u>R6-6-1001(B)</u>
<u>“Child”</u>	<u>R6-6-1001(B)</u>
<u>“Child Developmental Certified Homes”</u>	<u>A.R.S. § 36-551</u>
<u>“Child Developmental Home”</u>	<u>A.R.S. § 36-551</u>
<u>“Corrective Action Plan”</u>	<u>R6-6-1001(B)</u>
<u>“CPR”</u>	<u>R6-6-1001(B)</u>
<u>“Criminal Record Self-disclosure”</u>	<u>R6-6-1001(B)</u>
<u>“Department”</u>	<u>A.R.S. § 36-551</u>
<u>“Developmental Disability”</u>	<u>A.R.S. § 36-551</u>
<u>“Developmental Home”</u>	<u>R6-6-1001(B)</u>
<u>“Developmental Home Agreement”</u>	<u>R6-6-1001(B)</u>
<u>“Division”</u>	<u>A.R.S. § 36-551</u>

<u>“Family Foster Home”</u>	<u>R6-6-1001(B)</u>
<u>“Fitness”</u>	<u>R6-6-1001(B)</u>
<u>“Habilitation”</u>	<u>A.R.S. § 36-551</u>
<u>“Health Self-disclosure”</u>	<u>R6-6-1001(B)</u>
<u>“Home”</u>	<u>R6-6-1001(B)</u>
<u>“Home and Community Based Services” or “HCBS”</u>	<u>A.R.S. § 36-2931</u>
<u>“Home Study”</u>	<u>R6-6-1001(B)</u>
<u>“Household”</u>	<u>R6-6-1001(B)</u>
<u>“Household Member”</u>	<u>R6-6-1001(B)</u>
<u>“IEP”</u>	<u>R6-6-101</u>
<u>“Inappropriate Behavior”</u>	<u>R6-6-1001(B)</u>
<u>“Incident”</u>	<u>R6-6-1001(B)</u>
<u>“Individual Residing on the Premises”</u>	<u>R6-6-1001(B)</u>
<u>“Level One Fingerprint Clearance Card”</u>	<u>A.R.S. § 41-1758.07</u>
<u>“License”</u>	<u>R6-6-1001(B)</u>
<u>“Licensed Foster Parent”</u>	<u>R6-6-1001(B)</u>
<u>“Licensee”</u>	<u>R6-6-1001(B)</u>
<u>“Licensing Agency” or “Agency”</u>	<u>R6-6-1001(B)</u>
<u>“Licensing Decision”</u>	<u>R6-6-1001(B)</u>
<u>“Licensing Record”</u>	<u>R6-6-1001(B)</u>
<u>“Licensing Supervisor”</u>	<u>R6-6-1001(B)</u>
<u>“Licensing Worker”</u>	<u>R6-6-1001(B)</u>
<u>“Life Safety Inspection”</u>	<u>R6-6-1001(B)</u>

<u>“Medication”</u>	<u>R6-6-1001(B)</u>
<u>“Member”</u>	<u>R6-6-1001(B)</u>
<u>“Overall Time Frame”</u>	<u>A.R.S. § 41-1072</u>
<u>“Personally Identifiable Information”</u>	<u>2 CFR 200.79</u>
<u>“Physical Punishment”</u>	<u>R6-6-1001(B)</u>
<u>“Physician’s Statement”</u>	<u>R6-6-1001(B)</u>
<u>“Planning Document”</u>	<u>R6-6-1001(B)</u>
<u>“Planning Team”</u>	<u>R6-6-1001(B)</u>
<u>“Pool”</u>	<u>R6-6-1001(B)</u>
<u>“Premises”</u>	<u>R6-6-1001(B)</u>
<u>“Professional Judgment”</u>	<u>R6-6-1001(B)</u>
<u>“Protected Health Information”</u>	<u>45 CFR 160.103</u>
<u>“Protective Services”</u>	<u>R6-6-1001(B)</u>
<u>“Reinstatement”</u>	<u>R6-6-1001(B)</u>
<u>“Responsible Person”</u>	<u>A.R.S. § 36-551</u>
<u>“Service Provider”</u>	<u>A.R.S. § 36-551</u>
<u>“Special Health Care Needs”</u>	<u>R6-6-1001(B)</u>
<u>“Statement of Understanding”</u>	<u>R6-6-1001(B)</u>
<u>“Substantial Compliance”</u>	<u>R6-6-1001(B)</u>
<u>“Substantive Review”</u>	<u>R6-6-1501(B)</u>
<u>“Support Coordinator”</u>	<u>R6-6-1001(B)</u>
<u>“Unsafe Behavior”</u>	<u>R6-6-1001(B)</u>

B. The following definitions apply to this Article:

1. “Administrative Completeness Review” means the process to determine if an Application contains all components required by this Article for HCBS certification or HCBS site certification.
2. “Adverse Licensing Action” means the determination by the Department to deny, suspend, or revoke a License under this Article.
3. “Alternative Supervision” means care arranged to meet the temporary needs of a Member as a means for providing routine care for the Member or intermittent relief for a Licensee.
4. “Alternative Supervision Plan” means a document created by the Licensing Agency that outlines how Alternative Supervision will be provided for a Member when the Licensee is not available.
5. “Applicant” means an individual or a married couple who applies for a License or to renew a License to operate a Developmental Home.
6. “Application” means the documentation and information required by the Department to initiate the licensing process and to authorize the Department to conduct assessments and investigations to verify an Applicant’s qualifications and compliance with licensing requirements.
7. “Bed” means a mattress and at minimum a frame or platform and does not include sleeper sofas, rollaway beds, collapsible trundle beds, couches, inflatable mattresses, cots, sleeping bags, portable cribs, or mats.
8. “Certification” means accreditation by the Department to operate a Child Developmental Certified Home.

9. “Certifying Agency” means an organization authorized by the Department to assist an Applicant, who is a Licensed Foster Parent, with the assembly of an Application to become a Child Developmental Certified Home under A.R.S. § 36-593.01.
10. “Child” means any individual in the Home who is younger than 18 years of age.
11. “Corrective Action Plan” means a written document outlining actions needed to remedy a violation of a licensing requirement within a specific period.
12. “CPR” means infant/Child and adult cardiopulmonary resuscitation.
13. “Criminal Record Self-disclosure” means an individual’s statement made under penalty of perjury, using the form prescribed by the Department, attesting to whether the individual:
- a. Has a record of any arrests, convictions, or pending indictments;
 - b. Has committed a crime specified in the Arizona Revised Statutes as a precluding crime for the issuance of a fingerprint clearance card; or
 - c. Is a registered sex offender.
14. “Developmental Home” means a Child Developmental Home or an Adult Developmental Home.
15. “Developmental Home Agreement” means:
- a. For a Licensee directly contracted with the Department, a document signed by the Licensee and a representative of the Department outlining responsibilities of the Licensee for the provision of Developmental Home services; or

- b. For a Licensee that is contracted with a Service Provider, a document signed by the Licensee and a representative of the Service Provider outlining the responsibilities of the Licensee and the Service Provider for the provision of Developmental Home services.
- 16. “Family Foster Home” means the same as “Foster Home” under A.R.S. § 8-501
- 17. “Fitness” means the ability of an Applicant or Licensee to:
 - a. Meet the physical, emotional, social, psychological, educational, and medical needs of the Member; and
 - b. Comply with the licensing requirements.
- 18. “Health Self-disclosure” means an Adult Household Member’s declaration, using the form prescribed by the Department, and dated no more than six months prior to the submission of the Application, attesting to the Member’s physical, and mental health. The Health Self-disclosure identifies:
 - a. Any history of illness, communicable diseases, drug or substance abuse problems, or other physical or mental health conditions; and
 - b. All Medications, treatments, adaptive equipment, or other accommodations used to reduce or eliminate any physical or mental health conditions.
- 19. “Home” means the residence where an Applicant or Licensee lives.
- 20. “Home Study” means a comprehensive professional evaluation of the Fitness of the Applicant or Licensee to operate a Developmental Home.
- 21. “Household” means all individuals residing in a Licensee’s Home or on the Premises.

22. “Household Member” means a Child or adult who lives or intends to live in a Home for a total of 30 days or more, periodically or consecutively during the licensing year, and includes all individuals living in the Home such as the Applicant, Licensee, housemates, and relatives of the Applicant, Licensee, and housemates. Household Member does not include a Member living in a Home who has been determined eligible for Division services.
23. “Inappropriate Behavior” means a Member’s actions which may be impeding an individual’s ability to optimally function in society.
24. “Incident” means an occurrence, which could potentially affect the health and well-being of a Member or poses a risk to the community.
25. “Individual Residing on the Premises” means an individual who does not share an Applicant’s Home but occupies a domicile on the same property.
26. “License” means the permission granted by the Department to legally operate a Developmental Home and includes an initial, renewed, provisional, reinstated, and amended License.
27. “Licensed Foster Parent” means a foster parent as defined in A.R.S. § 8-501 operating under the requirements of A.R.S. § 8-509.
28. “Licensee” means an individual or a married couple approved by the Department to operate a Developmental Home.
29. “Licensing Agency” or “Agency” means an individual or entity authorized by the Department to:
- a. Assist an Applicant with the assembly of an Application for licensure,
 - b. Perform a Home Study.

- c. Monitor, support, or oversee Licensees, and
 - d. Recommend licensing, re-licensing, or Certification of Licensee.
- 30. “Licensing Decision” means the issuance, denial, suspension, revocation of, or amendment to a License by the Department in response to the receipt and review of:
 - a. An Application for initial License.
 - b. An Application to renew a License.
 - c. An Application to amend a License, or
 - d. The results of an inquiry or investigation.
- 31. “Licensing Record” means the information maintained by a Licensing Agency or by the Department for the purpose of documenting the Fitness of an Applicant or Licensee.
- 32. “Licensing Supervisor” means an employee of a Licensing Agency who supervises a Licensing Worker.
- 33. “Licensing Worker” means an employee of a Licensing Agency who provides training, technical assistance, and oversight of Applicants and Licensees.
- 34. “Life Safety Inspection” means an examination of Premises by the Department to verify compliance with standards intended to Safeguard a Member from fire and other hazardous conditions.
- 35. “Medication” means both prescription and over-the-counter remedies.
- 36. “Member” means the same as “Client” in A.R.S. § 36-551.
- 37. “Physical Punishment” means the deliberate infliction of pain or discomfort to a Member as a form of behavior modification.

38. “Physician’s Statement” means information on the physical, and mental health of the Applicant and any Adult Household Member, using a form prescribed by the Department and dated no more than six months prior to the submission of the Application. A Physician’s Statement shall:
- a. Include a completed Health Self-disclosure by the Applicant or Household Member;
 - b. Be based on an examination by a doctor of medicine, physician assistant, or registered nurse practitioner, as licensed and authorized by A.R.S. Title 32; and
 - c. State whether the Applicant or Household Member has a condition that could impact the Licensee’s ability to provide safe care and supervision to a Member.
39. “Planning Document” means a written statement of services to be provided to a Member, including Habilitation goals and objectives, that is developed following an initial eligibility determination and revised after periodic reevaluations.
40. “Planning Team” means the same as “Individual Service and Program Plan Team” or “ISPP Team” in R6-6-101.
41. “Pool” means any natural or manmade body of water that:
- a. Could be used for swimming, recreational, agricultural, or decorative purposes;
 - b. Is greater than 18 inches in depth; and
 - c. Includes swimming Pools, spas, hot tubs, fountains, and ponds.
42. “Premises” means:

- a. The Home; and
 - b. The property and any other structures surrounding the Home that are owned, leased, or controlled by the Applicant or Licensee.
43. “Professional Judgment” means an objective analysis based on:
- a. Commonly accepted industry standards and practices for the regulation of care for children and vulnerable adults;
 - b. Knowledge and experience in accordance with contractual requirements; and
 - c. Interviews, assessments, observations, references, and documented sources of verifiable information.
44. “Protective Services” means the Department’s Adult Protective Services and the Department of Child Safety and similar agencies in other states.
45. “Reinstatement” means an action by the Department to reactivate a License that has expired or been closed for less than one year.
46. “Special Health Care Needs” means a chronic physical, developmental, behavioral, or emotional condition and also requires health and related services of a type or amount beyond that required by children generally.
47. “Statement of Understanding” means a document:
- a. Completed and signed by an Applicant confirming the Applicant has read, understands, and agrees to comply with all applicable laws, rules, and regulations relating to the operation of a Developmental Home; and
 - b. Signed by all Adult Household Members confirming the Adult Household Members’ permission for background checks.

48. “Substantial Compliance” means a level of compliance with the requirements of participation such that any identified deficiencies pose no greater risk to resident health or safety than the potential for causing minimal harm.
49. “Substantive Review” means the process to determine if an Application or Applicant meets all substantive criteria required by this Article for an HCBS certificate or HCBS site certificate.
50. “Support Coordinator” means the same as “Case Manager,” as defined in A.R.S. § 36-551.
51. “Unsafe Behavior” means a Member’s action or activity, whether intentional, unintentional, or negligent, that causes a risk of imminent harm to the Member or others.

R6-6-1002. ~~Issuing an Initial License~~ Applicability

- ~~A. The license applicant shall comply with the requirements of this Article.~~
- ~~B. Except as provided in R6-6-1004(C), a regular license is effective for one year from the date of issuance.~~
- ~~C. Based upon records, reports, and observations, if the Division determines that the license applicant may be unable to meet the physical or emotional needs of clients, the Division may require further psychological or physical evaluations, at no expense to the license applicant, to determine whether a license may be issued.~~
- ~~D. A regular license for a child developmental foster home is not transferable and is valid only for the licensee and the address stated on the license.~~

This Article applies to:

1. Individuals Licensed to operate a Developmental Home;

2. Licensing Agencies for Developmental Homes;
3. Certifying Agencies for Child Developmental Certified Homes; and
4. Child Developmental Certified Homes.

R6-6-1003. ~~Issuing a Renewal License~~ General Requirements for Licensing Agencies

- A.** ~~A regular license is renewable annually for a one-year period.~~
- B.** ~~The Division shall renew a child developmental foster home regular license when:~~
- ~~1. The licensee has met the annual training requirements of R6-6-1005;~~
 - ~~2. The home meets the requirements of R6-6-1001, except as noted in this subsection:~~
 - ~~a. The licensee shall submit a written statement every three years from the date of initial licensure from a licensed medical practitioner indicating that no adult living in the home or on the premises has any medical, emotional, or psychological problems that would adversely impact on the health and welfare of a child with developmental disabilities.~~
 - ~~b. References are not required for license renewal.~~
 - ~~c. The child developmental foster home shall receive a health inspection from the Arizona Department of Health Services every three years prior to license renewal, unless otherwise indicated by this Article.~~
 - ~~3. Any person fingerprinted pursuant to R6-6-1001(B) and who is still residing in the home shall have a criminal record check every three years.~~
- C.** ~~Based upon records, reports, and observations, if the Division determines that the license applicant for license renewal may be unable to meet the physical or emotional needs of clients, the Division shall have the authority to require further mental or physical~~

~~evaluations, at no expense to the license applicant, to determine whether to renew a license.~~

~~**D.** A license to provide child developmental foster home services is not transferable and is valid only for the licensee and the address stated on the license.~~

A. The Licensing Agency shall accept and process an Application from an Applicant meeting the requirements specified in this Article, regardless of gender, race, religion, political affiliation, national origin, disability, or sexual orientation of the Applicant in accordance with State and Federal law.

B. The Licensing Agency shall adopt a written code of ethics consistent with Departmental contractual requirements and provide the code of ethics to the Department upon request.

C. The Licensing Agency shall not delegate, assign, or subcontract the following services:

1. Recruitment of individuals to operate a Developmental Home;
2. Home studies;
3. Monitoring, support, or oversight of Developmental Home providers in accordance with A.R.S. § 36-592; and
4. Recommendation of licensing, re-licensing, or Certification of Developmental Homes.

D. The Licensing Agency shall ensure that each Applicant and Licensee is informed of and afforded the rights specified in this Article, in addition to the inspection and due process rights specified under A.R.S. § 41-1009.

E. The Licensing Agency shall ensure that the Licensee:

1. Maintains current Certification and training throughout the term of the License,
and

2. Provides to the Department updated information regularly and as requested by the Department.
- F.** With the exception of the items listed in subsection (G), the Licensing Agency shall ensure that an Applicant or Licensee is permitted to access the Licensing Record upon written request and is afforded the opportunity to provide a written response to findings and comments in the Home Study, investigative reports, and any correspondence.
- G.** The Licensing Agency shall not release the following information to an Applicant or Licensee:

 1. Information supplied by confidential references during the licensing process; or
 2. The names of individuals and entities identified as sources in a licensing complaint unless investigation of the complaint results in a legal proceeding and disclosure is ordered by the court.
- H.** The Licensing Agency shall request the following background checks on all Applicants and Adult Household Members:

 1. A check of the Department of Child Safety central registry and the Adult Protective Services registry in Arizona.
 2. For a Child Developmental Home License Application, a check of the Child Protective Services registries in other states where the Applicant or Household Member had lived during the previous five years.
- I.** The Licensing Agency shall verify that all equipment including age-appropriate Beds, car seats, and restraints required by this Chapter are appropriately installed and in place at the time of placement of a Child or adult.

J. The Licensing Agency shall compile and maintain a Licensing Record for each Applicant in accordance with the requirements of the Department. The record shall contain:

1. All documentation or evidence gathered during the licensing process and throughout the term of the License;
2. Documentation gathered to complete the Application for licensure and the Home Study;
3. Evidence of compliance with licensing requirements specified in this Chapter;
4. Dates and details of Home visits, contacts, and communication with the Applicant;
5. Evidence that the rights enumerated in A.R.S. § 41-1009 were explained to the Applicant; and
6. Copies of inspection reports.

K. The Licensing Agency shall:

1. Inform the Applicant of the applicable Life Safety Inspection rules;
2. Conduct a preliminary inspection of the Applicant's Home to assess compliance with the rules;
3. At least 30 days before an inspection is due shall complete the required form to request a Life Safety Inspection to be performed by the Department;
4. Verify corrections are made by the Applicant in response to violations, as applicable;
6. Maintain documentation of the Department and Agency inspections in the Licensing Record;

7. Ensure contacts from Licensing Agency with Licensee are entered into the Department's licensing database within 10 days of contact; and
 8. Ensure that no more than the maximum number of Developmental Homes are assigned to each Licensing Worker as prescribed in Department policy, but not to exceed 30.
- L.** The Licensing Agency shall not submit an Application for an individual who is not eligible under R6-6-1006(C).
- M.** The Licensing Agency shall ensure Licensing Workers meet at least one of the following qualifications:
1. A bachelor's degree in a related human services field;
 2. Two years of higher education in a related human services field and two years of related work experience; or
 3. A minimum of five years of directly related work experience, such as work in the field of developmental disabilities, family Home licensing, or child welfare.
- N.** A Licensing Supervisor shall meet the requirements of a Licensing Worker and have two years of supervisory experience or demonstrated leadership experience.
- O.** A Licensing Worker and Licensing Supervisor shall:
1. Have a current Level I Fingerprint Clearance Card within the first 90 days of employment;
 2. Meet training requirements listed in Division policy; and
 3. Complete a minimum of 10 hours of continuing education training related to Developmental Disabilities each calendar year following initial hire calendar year.

- P.** The Licensing Agency shall verify Licensee compliance with this Article by evaluating information provided by the Licensee and information obtained through background checks, references, interviews, public records, and any other information deemed relevant by the Department.

R6-6-1004. ~~Issuing a Provisional License~~ Information and Records to Be Provided to the Licensee by the Licensing Agency

- A.** ~~The Division may issue a provisional license for up to six months when:~~
- ~~1. The license applicant is temporarily unable to meet the requirements of this Article, and~~
 - ~~2. The Division is satisfied that the listed deficiencies can be corrected within six months or less by the license applicant.~~
- B.** ~~The Division shall not issue a provisional license pursuant to A.R.S. § 36-592 when conditions exist which could endanger the health or safety of the children.~~
- C.** ~~When the licensee has met the requirements of the provisional license and a regular license is issued, the regular license is valid for one year from the date the Division issued the provisional license.~~
- D.** ~~A provisional license for a child developmental foster home is not transferable and is valid only for the licensee and the address stated on the license.~~

The Licensing Agency shall provide a Licensee with the following documents and information for each Member in the Licensee's care and:

1. The insurance card or insurance identification number and written consent authorizing the Licensee to access medical records and obtain routine, nonsurgical, and emergency medical care for the Member;

2. Medication that is to be administered to the Member, and any relevant instructions for the administration of the Medication;
3. The religious and cultural beliefs and preferences of the Member or Responsible Person; and
4. Emergency contact information for the Member, including a means to contact the Support Coordinator and Licensing Agency.

R6-6-1004.01. ~~Time-Frame for Granting or Denying a License~~ Repealed

~~For the purpose of A.R.S. § 41-1073, the Division establishes the following licensing time-frames:~~

- ~~1. Administrative completeness review time-frame:~~
 - ~~a. For an initial license, 90 days;~~
 - ~~b. For a renewal license, 30 days; and~~
 - ~~c. For an amended license, 30 days.~~
- ~~2. Substantive review time-frame:~~
 - ~~a. For an initial license, 30 days;~~
 - ~~b. For a renewal license, 31 days; and~~
 - ~~c. For an amended license, 10 days.~~
- ~~3. Overall time-frame:~~
 - ~~a. For an initial license, 120 days;~~
 - ~~b. For a renewal license, 61 days; and~~
 - ~~c. For an amended license, 40 days.~~

**R6-6-1004.02. ~~Administrative Completeness and Substantive Review Process~~
Repealed**

- ~~A. The Division shall send the license applicant a written notice within the administrative completeness review time frame indicating that the application package is either complete or incomplete.~~
- ~~B. If the application package is incomplete, the Division shall list the missing information in the notice and ask the license applicant to supply the missing information within 60 days from the date of notice. If the license applicant fails to do so, the Division may close the file.~~
- ~~C. A license applicant whose file has been closed and who later wishes to become licensed may reapply to the Division. The administrative completeness time frame starts over when the Division receives the written request to reapply.~~
- ~~D. When the application is complete, the Division shall complete a substantive review of the license applicant's qualifications. The Division shall:~~
- ~~1. Review the application form and all required documents to ensure compliance with this Article;~~
 - ~~2. Complete a home study as prescribed in R6-6-1001(D); and~~
 - ~~3. Gather additional information needed to determine the license applicant's fitness to serve as a foster parent and ability to comply with foster care requirements, which may include:~~
 - ~~a. Interviewing the license applicant;~~
 - ~~b. Contacting references;~~
 - ~~c. Verifying information provided in the application;~~
 - ~~d. Visiting the license applicant's home; and~~

- e. ~~Requesting additional information, assessments, or tests as prescribed in R6-6-1001(F) and R6-6-1003(C).~~

~~E. If a license is denied, the Division shall send a notice to the license applicant as prescribed in R6-6-1018(F) and A.R.S. § 41-1076.~~

~~F. An applicant shall submit a license application package to DES/DDD, P.O. Box 6123, Site Code 791A, Phoenix, Arizona 85005-6123, Attention: Developmental Home Licensing Unit.~~

~~R6-6-1004.03: Contents of a Complete Application Package – Initial License~~

Repealed

~~An initial application package is complete when the Division has all of the following information:~~

~~1. From the license applicant, a completed application form as prescribed in R6-6-1001(A) which contains the following information:~~

~~a. Personally identifying information, as follows:~~

- ~~i. Name and gender,~~
- ~~ii. Date and place of birth,~~
- ~~iii. Social security number,~~
- ~~iv. Ethnicity and religious preference,~~
- ~~v. Current and previous address,~~
- ~~vi. Dates resided at previous address,~~
- ~~vii. Length of Arizona residency,~~
- ~~viii. Current marital status and marital history, and~~
- ~~ix. Any other names by which the license applicant has been known.~~

- b. ~~Personally identifying information on the license applicant's household members, as follows:~~
 - i. ~~Name;~~
 - ii. ~~Gender;~~
 - iii. ~~Date of birth;~~
 - iv. ~~Relationship to license applicant; and~~
 - v. ~~Length of time living in the home.~~
- e. ~~Personally identifying information on the license applicant's children who do not live with the license applicant, including emancipated children, as follows:~~
 - i. ~~Name;~~
 - ii. ~~Current address;~~
 - iii. ~~Date of birth; and~~
 - iv. ~~Occupation or school, if currently attending.~~
- d. ~~Any current or prior licenses or certificates held by the license applicant to provide care to a child or adult, as follows:~~
 - i. ~~Type of license or certificate;~~
 - ii. ~~Date of each license and certificate;~~
 - iii. ~~State in which each license or certificate was issued;~~
 - iv. ~~Any license or certificate which was revoked, denied, voluntarily surrendered, or suspended, and the circumstances; and~~
 - v. ~~Name of any other agency with which the license applicant is currently licensed or certified to provide services to children or adults.~~
- e. ~~A description of the license applicant's home, as follows:~~

- i. ~~The name of the school district in which the license applicant's home is located;~~
- ii. ~~Identification and description of any swimming pool, spa, fish pond, or other body of water; and~~
- iii. ~~Number of bedrooms.~~
- f. ~~Information about the license applicant, as follows:~~
 - i. ~~Educational background;~~
 - ii. ~~Employment history;~~
 - iii. ~~Previous experience in providing room and board for any person;~~
 - iv. ~~Any contact with Child Protective Services (CPS) or Adult Protective Services (APS) and the circumstances;~~
 - v. ~~Any arrests and the circumstances;~~
 - vi. ~~Any history of mental illness or treatment for a mental illness or emotional disorder including hospitalization for alcohol, drug, or mental health issues and the circumstances;~~
 - vii. ~~If currently or previously employed by the Department of Economic Security or the Division, position, title, name of the supervisor, and name of the program;~~
 - viii. ~~The reason for wanting to provide foster care;~~
 - ix. ~~Gender, age, characteristics, and special needs of the individual the license applicant would prefer to take into the home;~~
 - x. ~~Any experience caring for individuals who have special needs;~~

- xi. ~~Discipline techniques used or believed appropriate for rearing children;~~
~~and~~
- xii. ~~Anticipated changes in the license applicant's family in the next 12 months.~~
- g. ~~Information about the license applicant's household members, as follows:~~
 - i. ~~Any contact with CPS or APS by anyone currently or formerly residing with the license applicant and the circumstances;~~
 - ii. ~~Any arrests and the circumstances;~~
 - iii. ~~Any history of mental illness or treatment for a mental illness or emotional disorder including hospitalization for alcohol, drug, or mental health issues and the circumstances;~~
 - iv. ~~If currently or previously employed by the Department of Economic Security or the Division, position, title, name of supervisor, and name of the program;~~
 - v. ~~Any experience caring for individuals with special needs; and~~
 - vi. ~~Discipline techniques used or believed appropriate for rearing children.~~
- h. ~~Reference information for the license applicant, as follows:~~
 - i. ~~Three references who can attest to the license applicant's character and skill; and~~
 - ii. ~~If the license applicant is working or has worked with children or adults with developmental disabilities, one employment reference;~~
 - i. ~~List of any individuals who live on the property on which the license applicant's home is located but not in the license applicant's home.~~

2. ~~From the license applicant, the following documents as listed on the application form:~~
- a. ~~A completed declaration of criminal history for the license applicant and each adult household member on a Division form with the following information:~~
 - i. ~~Name,~~
 - ii. ~~Social security number,~~
 - iii. ~~Date of birth,~~
 - iv. ~~Address,~~
 - v. ~~A declaration of whether the individual has committed any of the crimes listed in A.R.S. § 36-594(3) and R6-6-1018, and~~
 - vi. ~~Dated signature.~~
 - b. ~~Documentation showing that the license applicant and each adult household member have been fingerprinted;~~
 - c. ~~Documentation showing that the license applicant has a current driver's license, and current vehicle liability insurance as prescribed in R6-6-1012(A);~~
 - d. ~~A completed monthly budget on a Division form showing the license applicant's monthly income, and monthly expenses, and the circumstances for any declaration of bankruptcy;~~
 - e. ~~A physician's statement for the license applicant and each adult household member as prescribed in R6-6-1001(L);~~
 - f. ~~Documentation of current immunizations for each child living in the license applicant's home as prescribed in R6-6-1001(E)(5);~~
 - g. ~~Documentation that the license applicant has completed training as prescribed in R6-6-1005(A).~~

3. ~~From sources other than the applicant, the documents listed on the application form, as follows:~~
- a. ~~Three letters of reference for the license applicant as prescribed in R6-6-1001(G);~~
 - b. ~~If the license applicant works with children or adults with developmental disabilities, one employment letter of reference as prescribed in R6-6-1001(H);~~
 - c. ~~Documentation that the license applicant and each adult household member have had a criminal history check as prescribed in R6-6-1001(B);~~
 - d. ~~Documentation showing that the license applicant's home has passed:~~
 - i. ~~A fire inspection as prescribed in R6-6-1011(E), and~~
 - ii. ~~A health and safety inspection as prescribed in R6-6-1011(D).~~
 - e. ~~Documentation that vehicles used for transporting foster children have passed a Division safety inspection to meet the safety requirements set forth in R6-6-1012(B); and~~
 - f. ~~Documentation that the CPS/APS Central Registry has been checked as prescribed in R6-6-1001(C).~~

R6-6-1004.04. ~~Contents of a Complete Application Package - Renewal License~~
Repealed

~~A license renewal application package is complete when the Division has all the following information:~~

- 1. ~~From the license applicant, a completed renewal application form as prescribed in R6-6-1001(A) which contains the following information:~~
 - a. ~~Personally identifying information, as follows:~~
 - i. ~~Name;~~

- ~~ii. Address, and~~
 - ~~iii. Phone number.~~
 - ~~b. Personally identifying information on the license applicant's household members, as follows:~~
 - ~~i. Name,~~
 - ~~ii. Gender,~~
 - ~~iii. Age,~~
 - ~~iv. Relationship to the license applicant, and~~
 - ~~v. School or occupation.~~
 - ~~c. Personally identifying information on the license applicant's children who do not live with the license applicant, including emancipated children, as follows:~~
 - ~~i. Name,~~
 - ~~ii. Age,~~
 - ~~iii. Address, and~~
 - ~~iv. Occupation or school, if currently attending.~~
 - ~~d. Information about the license applicant, as follows:~~
 - ~~i. Any arrest or investigation for a criminal offense, including charge, and arresting agency, and~~
 - ~~ii. Any referral to or treatment for a psychiatric or psychological problem, including substance abuse, in the last year.~~
 - ~~e. Information about the license applicant's household members, including:~~
 - ~~i. Any arrest or investigation for a criminal offense, including charge, and arresting agency,~~

- ii. ~~Any referral to or treatment for a psychiatric or psychological problem, including substance abuse, in the last year.~~
 - f. ~~Any current or prior license or certificate held by the license applicant to provide care to a child or adult, as follows;~~
 - i. ~~Type of license or certificate;~~
 - ii. ~~Date of each license and certificate;~~
 - iii. ~~State in which the license or certificate was issued;~~
 - iv. ~~Any license or certificate which was revoked, denied, voluntarily surrendered, or suspended, and the circumstances; and~~
 - v. ~~Name of any other agency with which the license applicant is currently licensed or certified to provide services to children or adults.~~
 - g. ~~List of any individuals who live on the property on which the license applicant's home is located, but not in the license applicant's home;~~
 - h. ~~List of the household members and their relationship to the applicant and each other;~~
 - i. ~~Any changes that should be made to the license conditions;~~
 - j. ~~Dated signature.~~
2. ~~From the license applicant, the items listed in R6-6-1004.03(2)(c), (2)(d), (2)(f), and the following:~~
- a. ~~A completed declaration of criminal history for each new adult household member and, at three-year intervals, a completed declaration for all adult household members;~~

- b. ~~Documentation showing that each new adult household member has been fingerprinted and, at three year intervals, that all adult household members have been fingerprinted;~~
 - e. ~~A physician's statement every three years from the date of the initial license for the license applicant and all adult household members; and~~
 - d. ~~Documentation that the license applicant has completed training as prescribed in R6-6-1005(B).~~
3. ~~From sources other than the applicant, the documents listed in R6-6-1004.03(3)(d)(i), (3)(e), and (3)(f) and the following:~~
- a. ~~Documentation that each new adult household member has had a criminal history check and that all adult household members have had a criminal history check every three years, and~~
 - b. ~~Documentation that the license applicant's home has passed a health and safety inspection every three years since the date of the initial license.~~

R6-6-1004.05. ~~Contents of a Complete Request for an Amended License~~ Repealed

~~A request for an amended license is complete when the Division has the following:~~

- 1. ~~A description of the change requested to the license, and~~
- 2. ~~Documentation that the requested change complies with this Article~~

R6-6-1005. ~~Training Requirements for Child Developmental Home Foster Parents~~

Rights of the Developmental Home Applicant and Licensee

- A. ~~A license applicant for an initial license as a Child Developmental Foster Home shall meet the following training requirements:~~
 - 1. ~~Prelicensing training in the following subjects:~~

- ~~a. Cardiopulmonary resuscitation appropriate for children and adults provided by an instructor certified in cardiopulmonary resuscitation;~~
 - ~~b. First aid provided by an instructor certified in first aid; and~~
 - ~~c. Child developmental foster home parent orientation training of 16 to 20 hours, as determined by the Division.~~
- ~~2. Up to ten additional hours of training based upon the needs of the license applicant or the foster child, as determined by the Division.~~
- ~~B. The licensee shall annually complete a minimum of ten hours of training, as required by the Division, prior to license renewal and must maintain all certifications obtained for the initial licensure. Up to four hours of the annual training may be allowed for training related to maintenance of certifications.~~
- ~~C. The license applicant or licensee shall participate in additional training based upon the specific needs of the foster family or a child placed in the foster home, as required by the Division, or shall demonstrate the ability to meet the needs of a specific child.~~
- ~~D. The license applicant or licensee shall submit documentation which demonstrates satisfactory completion of these training requirements to the Division.~~

In addition to the inspection and due process rights specified under A.R.S. § 41-1009, an

Applicant or Licensee shall have the right to:

- 1. Choose or transfer to a Licensing Agency approved by the Department, at no cost to the Applicant or Licensee;
- 2. Be treated with courtesy, dignity, and fairness by the Licensing Agency and the Department;
- 3. Be free from discrimination in the licensing process;

4. Receive information and training pertinent to the responsibilities of a Licensee;
5. Receive technical assistance provided by the Licensing Agency or the Department to assist the Applicant or Licensee in understanding the licensing requirements;
6. Direct the Licensing Agency to submit the Applicant's information for licensure;
7. Contest an Adverse Licensing Action under Article 22 of this Chapter;
8. Elevate concerns about the licensing process in writing to the Department;
9. Be free from retaliation by a Licensing Agency or the Department, in the event of a disagreement, an appeal, or an elevation of concerns;
10. Be informed of and provided the opportunity to be heard in any Adverse Licensing Action conducted by the Department;
11. Refuse placement or, after communicating concerns and issues with the Member's Planning Team, request removal of a Member without reprisal from the Licensing Agency;
12. Access the Licensee's own Licensing Records; and
13. Upon payment of reasonable fees, have a copy of the Licensee's own Licensing Records.

R6-6-1006. ~~Foster Parent Responsibilities in Child Developmental Foster Homes~~

Requirements to Apply for a License

- ~~A.~~** ~~The licensee shall provide the child with positive emotional support and guidance including but not limited to:~~
- ~~1. Including the child in daily activities;~~
 - ~~2. Providing the child with positive reinforcement;~~

3. ~~Assisting the child with day-to-day concerns with school, with friends, and with family;~~
 4. ~~Providing appropriate care, concern, and support;~~
 5. ~~Protecting the child from harm; and~~
 6. ~~Assisting the child in developing and fostering personal relationships.~~
- B.** ~~The licensee shall follow written and verbal instructions and orders from qualified professionals regarding the medical, dental, habilitative, and therapeutic needs of the child.~~
- C.** ~~The licensee shall provide opportunities for social and physical development appropriate to the child's developmental level and interest, through recreation and leisure-time activities.~~
- D.** ~~The licensee shall cooperate with the Division in providing opportunities for the child to pursue the child's own religious beliefs or those of the child's parent, family, or guardian. The licensee shall not require the child to participate in the licensee's religious activities or practices.~~
- E.** ~~The licensee shall assign tasks and work appropriate to the child's age and abilities and which do not present a health or safety hazard and do not interfere with the child's educational or recreational activities.~~
- F.** ~~The licensee shall ensure children are dressed each day in clothing which is clean and appropriate to the age of the child, the climate, and the situation.~~
- G.** ~~The licensee shall provide a well-balanced and adequate diet to meet the nutritional needs of the child.~~

- ~~H. The licensee shall ensure that the child has transportation to meet the educational, medical, habilitative, therapeutic, and social needs of the child.~~
- ~~I. The licensee shall make reasonable efforts to support and maintain the child's relationships with parents, guardians, other family members, and other persons important to the child's life, approved or as required by the Division, the child-placing agency, or the courts.~~
- ~~J. The licensee shall ensure that visitations or outings with other adults, without the licensee present, have the prior approval of the Division or are consistent with the child's ISPP or case plan.~~
- ~~K. The licensee shall ensure that money designated for the child is only used for the specific purpose intended and for the benefit of the child.~~
- ~~L. The licensee shall provide appropriate hygiene for the child including bathing, tooth brushing, hair care, toileting, diapering, menstrual care, and shaving, as appropriate.~~
- ~~M. The licensee shall not provide foster care or respite care to adults in the licensee's home.~~
- ~~N. The licensee shall provide care only for the number of children and conditions listed on the license.~~
- ~~O. The licensee shall obtain approval from the Division before accepting placements from other agencies or private parties.~~
- ~~P. When the child developmental foster home also provides respite services, the licensee shall ensure that the respite placement is within the conditions stated on the Child Developmental Foster Home license.~~
- ~~Q. The licensee shall not accept adult roomers or boarders without prior approval of the Division.~~

- R.** ~~The licensee shall treat information concerning a child placed in the licensee's home and the child's family and guardian as confidential in accordance with A.R.S. § 36-568.~~
- S.** ~~The licensee shall participate in the IEP meetings, unless otherwise specified by the Division, and advocate for the implementation of the IEP.~~
- T.** ~~The licensee shall participate in the ISPP meetings, shall carry out the tasks identified by the ISPP team as being the responsibility of the licensee, and shall advocate for the implementation of the ISPP.~~
- U.** ~~The licensee shall cooperate with the Division when a foster child moves from the foster home by:~~
- ~~1. Providing information, including the records required in R6-6-1010(A) and (C);~~
 - ~~2. Ensuring personal belongings such as usable clothing, furniture, television sets, bicycles, toys, and other items purchased specifically for the child go with the child; and~~
 - ~~3. Assisting the Division in preparing the child for the move.~~
- V.** ~~The licensee shall comply with the terms of the Child Developmental Foster Home Parent Agreement.~~
- A.** Any individual or married couple, meeting the requirements of subsection (C) shall be eligible to apply for a Developmental Home License regardless of gender, race, religion, political affiliation, national origin, disability, sexual orientation, or as otherwise prohibited by state or federal law.
- B.** The Department may License up to two unmarried Applicants who reside together individually and shall link the unmarried Applicants in the Department's electronic database.

C. To be eligible for a Developmental Home License, the Applicant shall:

1. Be at least 21 years of age;
2. Reside in Arizona and provide documentation of United States citizenship or lawful presence in the United States;
3. Not be licensed or certified to provide other services in the Developmental Home, including:
 - a. Childcare services,
 - b. Adult foster care for the elderly or otherwise impaired,
 - c. Family Foster Care, and
 - d. HCBS;
4. Not use the Premises to provide HCBS. A Licensee may provide Alternative Supervision for another Licensee;
5. Be able to effectively communicate with Members, the Licensing Agency, and other Service Providers;
6. Have the following personal attributes:
 - a. Flexibility in expectations, attitudes, behavior, and use of help when it is needed;
 - b. Ability to model effective strategies to manage separation, loss, frustration, and conflict;
 - c. Capacity to respect individuals with differing lifestyles and philosophies, and individuals of different races, cultures, and religious beliefs;
 - d. Ability to support a Member's relationship with the family and guardian and other important people in the Member's life; and

- e. Willingness and ability to commit the time necessary to provide a Member with supervision and guidance in accordance with licensing requirements and the Member's individual needs;
- 7. Have functional literacy, such as the ability to read labels on Medication to administer them properly;
- 8. Maintain sufficient income to meet the needs of the Developmental Home and Household Members;
- 9. Have the ability to exercise sound judgment;
- 10. Be of reputable and honest character;
- 11. Have any of the following minimum experience or education:
 - a. One year of experience as a Licensed Foster Parent with a successful placement;
 - b. Six months of successful experience as the caregiver for an individual with a Developmental Disability; or
 - c. A bachelor's or graduate degree in health care, education, social work, psychology, or a related human services field;
- 12. Cooperate with the Licensing Agency, which shall verify compliance by evaluating information provided by the Applicant and information obtained through background checks, references, interviews, public records, and any other information deemed relevant by the Department;
- 13. Demonstrate that employment does not conflict with the care and supervision of the Member, except that the use of Alternative Supervision according to the requirements of R6-6-1043 does not constitute a conflict; and

14. Demonstrate that Household Members agree to support the decision of the Applicant or Licensee to provide Developmental Home care.

15. Have a Level One Fingerprint Clearance Card.

D. The Department shall not accept an Application from an individual who:

1. Is an owner, director, board Member, principal, agent, employee, contractor, subcontractor, volunteer, or staff of the Licensing Agency processing Applications;

2. Is related by blood, marriage, or adoption to an owner, director, board Member, principal, agent, employee, contractor, subcontractor, volunteer, or staff of the Licensing Agency. For the purpose of this subsection, relatives include the biological, adoptive, or step:

a. Child,

b. Grandchild,

c. Parent,

d. Parent of a spouse,

e. Grandparent,

f. Grandparent of a spouse,

g. Sibling,

h. Sibling of a spouse,

i. Aunt, or

j. Uncle

3. Does not have a Level One Fingerprint Clearance Card.

R6-6-1007. Application for an Initial License

- A.** The Applicant, or the Licensing Agency, shall submit to the Department an Application prescribed by the Department for an initial Developmental Home License.
- B.** The Application shall include:
1. The full legal name of each Household Member;
 2. All other names and aliases, including birth names and names used in previous marriages, of each Household Member;
 3. The current marital status of the Applicant;
 4. The date of birth of each Household Member;
 5. The Social Security Number of each Adult Household Member, for the purpose of conducting a background check;
 6. The relationship between the Applicant and all other Household Members;
 7. The telephone number and e-mail address of the Applicant;
 8. The mailing address of the Applicant and the physical address of the Applicant's Home;
 10. Each address occupied by each Applicant during the previous 10 years;
 11. Each address occupied by each Adult Household Member during the previous five years;
 12. The name, date of birth, current address, and telephone number of each minor and adult child of the Applicant who lives outside the Applicant's Home, if any;
 13. The Applicant's employment history, including the names of employers, dates of employment, and positions held during the previous 10 years;
 14. A summary of the Applicant's education;
 15. A description of the Applicant's experience in caring for children or adults;

16. The Applicant's Household budget, showing income, resources, assets, debts, and obligations;
17. Plans for the sleeping arrangements for each Household Member and for each potential Member;
18. Evidence of compliance with transportation requirements in this Article;
19. A description of all Pools;
20. A description of the Applicant's prior efforts to be certified by the Department to provide HCBS under Article 15 of this Chapter or licensed for adoption, foster care, assisted living, child care, and any other service for children or vulnerable adults, including:
 - a. Applications that were withdrawn or denied;
 - b. Applications that resulted in a license or certification that was suspended or revoked; and
 - c. Applications that resulted in a current or expired license or certification.
21. The names, addresses, and telephone numbers of three references to attest that the Applicant is of good character and has the qualifications to care for a Member.
 - a. At least one of the references shall be the Applicant's relative, including adult children living outside the Home.
 - b. If the Applicant is married, then at least one of the references shall be familiar with the Applicant as a couple.
 - c. If another Adult Household Member is applying for a License or is currently Licensed, then at least one of the references shall be familiar with both Household Members.

- d. The Department may require the Applicant to submit references from current or previous employers, or additional references at the Department's discretion;
- 22. A disclosure of court proceedings in which the Applicant has been a party, including:
 - a. Criminal proceedings;
 - b. Lawsuits;
 - c. Proceeding under Title 8 of the Arizona Revised Statutes in which a Child is found dependent, as defined in A.R.S. § 8-201, or parental rights are terminated;
 - d. Charges of abuse or neglect;
 - e. Child support enforcement proceedings within the last five years;
 - f. Bankruptcy within the last five years;
 - g. Divorce, separation, or any other civil proceedings; and
 - h. Adoption;
- 23. A notarized "Criminal History Self Disclosure Affidavit" form provided by the Department completed by the Applicant and each Adult Household Member;
- 24. Evidence that each Applicant and Adult Household Member has a current and valid Level One Fingerprint Clearance Card;
- 25. A disclosure by the Applicant of any allegation or substantiated report of abuse, neglect, or exploitation of any Child or vulnerable adult;
- 26. Authorization for a Protective Service registry check:
 - a. For each Applicant and Adult Household Member, and

- b. When providing services to children, for each state the Applicant has resided in during the previous five years;
- 27. A Health Self-disclosure completed by each Applicant and each Adult Household Member dated no more than six months prior to the Application;
- 28. A Physician's Statement completed for each Applicant and for each Adult Household Member dated no more than six months prior to the Application;
- 29. An up-to-date immunization record, for each Child Household Member unless the Department receives a written statement of religious or personal objection from the Applicant. Religious and personal objections by the Applicant may be grounds for restricting License to prevent the placement of infants, young children, and Members who are medically fragile with a compromised immune system;
- 30. A Statement of Understanding signed by the Applicant and Household Members over age 18 on a form prescribed by the Department attesting to the truth of the information provided during the Application and authorizing the required background checks; and
- 31. Evidence of training in CPR, first aid, and all other trainings as required by the Department.

C. The Licensing Agency shall:

- 1. Collect and maintain a signed Application to ensure that the Applicant confirms the accuracy of the information submitted in the Department's licensing Application;

2. Collect and maintain documents that support the Application which include proof of the Applicants:
 - a. Income and resources;
 - b. Current training in CPR, first aid, and all other trainings as required by the Department;
 - c. Current immunization record for each Child Household Member or written objection ;
 - d. Valid Arizona driver license for each Applicant and Household Member who transports Members, unless the Applicant is on active duty with the United States military and has an out of state driver license; and
 - e. Current registration and insurance for each vehicle used to transport Members; and
 - f. Lawful presence in the United States in the form of one of the documents specified under A.R.S. § 41-1080;
 - g. Rabies vaccination for each dog aged over 6 months
3. Provide verification, on forms prescribed by the Department, that the Agency has collected and maintains all documentation specified in (2) of this Section:
4. Provide the Department the following documents with the License Application:
 - a. Criminal Record Self-disclosure statement completed by each Applicant and Adult Household Member;
 - b. Health Self-disclosure statement completed by each Applicant and Adult Household Member dated no more than six months prior to the Application;

- c. For all Medications disclosed on the Health Self-disclosure statement, a statement from the physician prescribing Medications for the Applicant and Adult Household Members dated no more than six months prior to the initial Application;
- d. The Statement of Understanding for the Applicant and Adult Household Members on forms provided by the Department; and
- e. Statement of Acknowledgment by the Agency.

~~R6-6-1007.~~R6-6-1008. Behavior Management Home Study and Assessment

- ~~A.~~ The licensee shall comply with the Division's requirements for behavior management as specified in Article 9.
- ~~B.~~ The licensee shall establish well-defined rules which set the limits of behavior.
- ~~C.~~ The licensee shall provide discipline appropriate to the age, life experience, and individuality of each child:
 - ~~1.~~ The licensee shall develop and implement fair, reasonable, age and developmentally appropriate, and consistent rewards and consequences for implementing the rules established in subsection (B).
 - ~~2.~~ The licensee shall not use discipline which deprives the child of food, shelter, or medical care.
 - ~~3.~~ The licensee shall not use any form of corporal or physical punishment.
 - ~~4.~~ The licensee shall not participate in the use of verbal abuse or derogatory remarks.
- ~~D.~~ The licensee shall identify behavioral issues and report them to the Division.
- A. Each Applicant shall:

1. Complete a self-assessment and submit the self-assessment to the Licensing Agency on forms provided by the Licensing Agency;
2. Participate in interviews conducted by the Licensing Agency;
3. Facilitate Licensing Agency interviews of all Household Members, including each Child Household Member, if appropriate to the Child's age and developmental level;
4. Participate in and successfully complete pre-service training as specified in this Article, which shall be summarized in the Home Study by the Licensing Agency;
5. Provide additional information as needed to evaluate the Fitness of the Applicant and to conduct the Home Study; and
6. Cooperate with and pass the Life Safety Inspection of the Applicant's Home.

B. The Licensing Agency shall:

1. Assess the Applicant and write the initial Home Study;
2. Conduct interviews with each Adult Household Member, and each Child Household Member if appropriate to the Child's age and developmental level, on at least:
 - a. Two occasions in the Applicant's Home;
 - b. One occasion with each Applicant, individually; and
 - c. One occasion with Applicants, jointly, if:
 - i. Applicants are married; or
 - ii. Another Adult Household Member is applying for a License or is currently Licensed;

3. Complete references in accordance with R6-6-1007(B)(21) and summarize the responses in the Home Study;
4. Request Arizona Protective Services registry checks for each Applicant and Adult Household Member;
5. For Child Developmental Home Applicants, request child Protective Service registry checks from each state in which each Applicant and Adult Household Member resided during the previous five years;
6. Ensure completion of training by the Applicant and summarize the training in the Home Study;
7. Visit the Applicant's Home and provide information to help the Applicant prepare for the Life Safety Inspection to be conducted by the Department;
8. Request a Life Safety Inspection from the Department for the Applicant's Home and verify corrections noted in the inspection, if applicable; and
9. Submit the Home Study in the form and manner prescribed by the Department.

C. The Home Study shall include all elements specified by the Department, including:

1. Motivation for applying for licensure;
2. The Applicant's preferred placement;
3. Family background and upbringing;
4. Licensing history;
5. Marriage and marital history;
6. A description of household and family relationships;
7. Experience with caregiving including parenting;
8. Ability to manage behaviors;

9. Finances and employment;
10. Plan for supervision of members;
11. Health;
12. Spiritual beliefs;
13. Description of the home and premises;
14. Transportation plan;
15. Criminal history, prior arrests, and prior court involvement;
16. Protective Services registry findings; and
17. Summary of references.

- D.** The Home Study shall contain a recommendation to issue or deny a License, based on the information available to the Licensing Agency. A Licensing Agency shall provide justification for a recommendation to deny a License using specific examples that demonstrate that, in the Licensing Agency's Professional Judgment, the Applicant does not meet licensing requirements. The Department shall consider the Licensing Agency's recommendation, among other factors, while making a Licensing Decision.
- E.** The Licensing Agency may, at its discretion, provide additional recommendations in the Home Study to limit the terms and conditions of a License.

R6-6-1009. Application for License Renewal

- A.** To initiate the License renewal, the Licensee shall submit an Application to renew the License in the form and manner prescribed by the Department.
- B.** The Licensee shall cooperate with the Licensing Agency and the Department by:
1. Participating in and facilitating interviews necessary for the Licensing Agency to update the Home Study;

2. Assembling the documents needed to demonstrate ongoing compliance with licensing requirements, as specified in this Article;
3. Completing in-service training, as specified in this Article, if applicable;
4. Passing the Life Safety Inspection of the Home annually and each time the Licensee makes material changes to the Home or Premises or moves to a new address;
5. Providing a current Health Self-disclosure for the Licensee and each Adult Household Member;
6. Obtaining a Physician's Statement for the Licensee and each Adult Household Member at least once every three years and when determined to be necessary by the Department based on reports and observations that the Licensee may be unable to meet the physical or emotional needs of individuals with developmental disabilities;
7. Maintaining a current and valid Level One Fingerprint Clearance Card for the Licensee and each Adult Household Member; and
8. Signing a Statement of Understanding and a Developmental Home Agreement on forms provided by the Division.

C. The Licensing Agency shall:

1. Track when a License is due for a renewal and assist a Licensee, as needed, in applying for License renewal;
2. Submit the Application for License renewal, at least 21 days before the expiration of the License;
3. Update all the information since the previous Home Study, including:

- a. In-service training completed by the Licensee;
- b. Each monitoring visit and safety inspection conducted by the Licensing Agency;
- c. The status of violations and corrective actions, if applicable;
- d. Corrective Action Plans implemented, if applicable;
- e. Corrections made by the Licensee in response to notices of violation, if applicable;
- f. Inquiries and investigations, as specified in this Article, completed since the previous Home Study or that are pending completion, if applicable;
- g. Annual Protective Services registry checks requested by the Licensing Agency for the Licensee and each Adult Household Member;
- h. Confirmation of a current and valid Level One Fingerprint Clearance Card for the Licensee and each Adult Household Member;
- i. A summary of significant events and changes occurring since the previous Home Study, including changes involving:
 - i. The Licensee's income, resources, expenses, and debts;
 - ii. Employment or employment hours;
 - ii. The health of a Household Member;
 - iii. Household composition; and
 - iv. The dynamics of the Licensee's family and support network, including changes in roles, interactions, attitudes, and relationships;

- j. The Licensee's compliance with licensing requirements, as specified in this Article;
- k. Provide additional recommendations, if any, in the Home study to limit the terms or conditions of a License;
- l. Provide a copy of the following documents:
 - i. Criminal Record Self-disclosure for the Licensee and each Adult Household Member annually;
 - ii. Health Self-disclosure for the Licensee and Adult Household Members, completed annually;
 - iii. Physician statement for the Licensee and Adult Household Members, completed every two years;
 - iv. The Statement of Understanding signed by the Licensee and Adult Household Members annually; and
- m. Update all information since the previous Home Study including a recommendation whether to renew, amend, or deny a License, based on the information available to the Licensing Agency. A Licensing Agency shall provide justification for a recommendation to deny a License using specific examples that demonstrate that the Applicant is in violation of a licensing rule.

R6-6-1010. Recordkeeping Application for License Reinstatement

- ~~A. The licensee shall maintain a record for each child which shall include the child's medical history, dental history, educational experiences, and habilitation services.~~

- ~~B. The licensee shall obtain and provide to the Division receipts for expenditures for the child, as required by the Division.~~
- ~~C. The licensee shall maintain a personal record for the child, which may include mementos, photos, letters, cards, report cards, school projects, art, and toys.~~
- ~~D. The licensee shall keep copies of all licenses, certificates, and correspondence in a separate file to document compliance with sanitation, health, and environmental codes of state and local authorities.~~
- A. The Licensing Agency shall submit to the Department an Application for Reinstatement for any License that has been expired or voluntarily closed for less than 180 calendar days using the same process as an Application for License renewal and shall include a statement describing the reasons for the prior License closure, subsequent changes, and remedies to any prior licensing concerns.
- B. Any License that has expired or has voluntarily closed for more than 180 days requires an initial Application.
- C. The Department shall evaluate an Applicant for Reinstatement the same as an Applicant for a License renewal.

R6-6-1011. ~~Health and Safety Standards in Child Developmental Foster Homes~~ Training Requirements

- ~~A. The licensee shall maintain the premises of the child developmental foster home in a clean and sanitary condition to the degree that it does not present a health or safety hazard.~~
- ~~B. The child developmental foster home shall not have an accumulation of litter, rubbish, or garbage on the premises. Litter, rubbish, and garbage shall be contained in cleanable~~

- ~~containers with lids or sealed disposable containers and shall be removed from the property not less than once a week.~~
- ~~C. The licensee shall ensure that the child developmental foster home is free from, or has an ongoing system to eradicate, insects, rodents, and other vermin.~~
 - ~~D. Before initial licensure and every three years thereafter, the child developmental foster home shall be inspected and meet the safety and sanitation guidelines of the Department of Health Services unless otherwise specified by the Division.~~
 - ~~E. Child developmental foster homes located in mobile homes shall pass an annual fire safety inspection as arranged by the Division.~~
 - ~~F. The licensee shall keep toxic, poisonous, hazardous, and corrosive materials in locked storage separate from food or medications, unless otherwise specified in the ISPP.~~
 - ~~G. The licensee shall keep medicines in locked storage separate from food, toxic, poisonous, hazardous, or corrosive materials.~~
 - ~~H. The licensee shall keep firearms in locked storage and shall keep ammunition locked separately from the firearms.~~
 - ~~I. Bedrooms shall have light, ventilation, and a usable, unobstructed exit to the outside in case of an emergency.~~
 - ~~J. Telephone service or similar two-way communication methods shall be available in the home and shall be in working order.~~
 - ~~K. Any permanent body of water shall be fenced and inaccessible to children and shall meet the guidelines of the Arizona Department of Health Services unless otherwise specified by the Division.~~

- ~~L.~~ The licensee shall not allow foster children in swimming pool areas or in the area of other bodies of water unless supervised by a responsible adult or as specified in the ISPP.
- ~~M.~~ The licensee shall store alcoholic beverages responsibly.
- ~~N.~~ The licensee shall not use tobacco products while in an enclosed area with a foster child.
- ~~O.~~ The licensee shall make reasonable efforts to ensure family pets do not present a health or safety hazard to foster children.
- ~~P.~~ The licensee shall develop a fire evacuation plan and shall periodically practice the plan with the household members. The licensee shall update the fire evacuation plan as needed based on placement changes, household member changes, or structural changes to the foster home.
- ~~Q.~~ The licensee shall equip the child developmental foster home with smoke detectors and fire extinguishers which are in good working order.
- A. Before an initial License is issued, the Applicant shall complete:
 - 1. At least 18 hours of pre-service training using a curriculum that is coordinated through a Licensing Agency, approved by the Department.
 - 2. CPR training taught by an instructor certified by a nationally recognized entity such as the American Red Cross, the American Heart Association, or the National Safety Council that requires the Applicant to demonstrate mastery of CPR skills in person to the instructor.
 - 3. First Aid training taught by an instructor certified to teach first aid by a nationally recognized entity such as the American Red Cross or the National Safety Council.An Applicant or Licensee who is a doctor of medicine, physician assistant,

registered nurse, certified nursing assistant, paramedic, or emergency medical technician is exempt from the First Aid training requirement.

B. Annually, the Licensee shall:

1. Complete a minimum of 10 hours of training on topics relevant to Member rights, health, growth, development, or as recommended by the Licensing Agency. Up to four hours of the 10 hours may be allowed for training related to maintenance of Certifications specified in subsection (B) and (C).
2. Present evidence to the Licensing Agency of:
 - a. Current CPR training that meets the standards specified in subsection (A)(2);
 - b. First Aid training completed within the previous three years that meets the standards specified in subsection (C); and
 - c. Training required on Article 9 of this Chapter as required by the Department.

C. The Applicant or Licensee shall complete additional training based on the specific training needs of the Developmental Home provider or the needs of the Member. Upon the identification of skilled care needs by the Department, the Applicant or Licensee shall:

1. Receive training regarding the Member-specific skilled needs,
2. Demonstrate competency to a Licensed healthcare professional, and
3. Obtain and maintain written verification of the Licensee's competency as verified by the Licensed healthcare professional.

- D.** In addition to the requirements in subsections (A), (B), and (C), an Applicant or Licensee of a Child Developmental Home shall complete training required by the Department of Child Safety.

R6-6-1012. Transportation Licensing Time-frames

- A.** ~~A licensee who transports foster children shall have a current and valid driver's license and shall have liability insurance for any vehicle which will be used to transport foster children. A child developmental foster home household member who transports children must be 18 years of age or older and must be identified to the Division.~~
- B.** ~~A licensee shall ensure that each vehicle used for transporting foster children is maintained in a safe operating condition.~~
- C.** ~~The licensee shall ensure foster children wear seat belts or use an appropriate child safety seat while being transported.~~
- D.** ~~A vehicle used to transport children in wheelchairs shall also be equipped with floor-mounted seat belts and wheelchair lock-downs for each wheelchair being transported.~~
- A.** The Department shall review an application and render a decision within required time frames as specified within this section.
- B.** Within 30 days of receiving an Application, the Department shall conduct an Administrative Completeness Review to determine whether all required documentation and information has been submitted. Within the 30-day Administrative Completeness Review time frame, the Department shall:
- 1.** If the Application is complete, the Department shall immediately move the Application forward for a substantive review; or

2. If the Application is incomplete, the Department shall issue a Notice of Incomplete Application to the Applicant and the Licensing Agency containing a comprehensive list of items and information needed to complete the Application.
 - a. The Applicant shall have 30 Days from issuance of the notice to submit the missing items and information to the Department.
 - b. If the Applicant does not submit the requested items and information within 30 days of receiving the Notice of Incomplete Application, the Department may close the file.
 - c. If the Applicant submits the required items and information to the Department within 30 days, the Department shall conduct a Substantive Review of the Application in accordance with subsection (C).
 - d. The time-frame for the Substantive Review shall not include the time from the date the Department issues the Notice of Incomplete Application to the date the Department receives all the required items and information.
- C. The Department shall complete a Substantive Review within 30 days following a successful Administrative Completeness Review of an Application, the Department shall complete a Substantive Review to evaluate the Applicant's Fitness for licensure.
1. The Department may request additional information from the Applicant within the 30-day Substantive Review time frame to evaluate the Applicant's fitness for licensure, if needed.
 - a. The Applicant shall have an additional 21 days to provide the requested information to the Department; and

- b. The Substantive Review timeframe shall not include the time allowed for in (a) of this Section.
2. The Department shall make the decision to issue the license or deny the license as described under R6-6-1013.
- D.** Within an overall time frame of 60 days upon receipt of a completed application, not including days specifically excluded by this Section, the Department shall:
1. Complete an Administrative Completeness Review of an Application;
2. Complete a Substantive Review of whether an Applicant meets the criteria for licensure; and
3. Notify the Applicant of the decision to grant or deny a License.
- E.** The time-frames for initial licensure shall also apply to renewing, reinstating, and amending a License.

- A.** Foster parents licensed pursuant to A.R.S. § 8-509 shall cooperate with the certification process of the Division to care for children with developmental disabilities.
1. To be granted certification the home shall meet all requirements of this Article.
 2. The licensee shall cooperate with the Division in the annual certification study.
 3. A licensee certified by the Division shall not be certified to serve more than a total of three children.
 4. The licensee shall cooperate with a home visit as part of the certification process.
- B.** Foster parents residing off reservation and licensed by a tribal jurisdiction shall also be licensed by the Division for children placed by the Division.

- ~~1. To be granted licensure, the home shall meet all requirements of this Article.~~
- ~~2. Foster parents licensed by a tribal jurisdiction, seeking licensure by the Division, shall sign a release of information from the tribal licensure files.~~
- ~~3. A person licensed by the Division as a Child Developmental Foster Home shall not be licensed to serve more than a total of three children.~~
- ~~4. The licensee shall notify the Division of a pre-placement conference with another agency or jurisdiction.~~

A. Prior to making a Licensing Decision, the Department may:

1. Require the Applicant or Licensee to provide additional documentation to verify compliance with licensing requirements, including:
 - a. Lease or purchase agreement for the property where services will be delivered,
 - b. Marriage Licenses,
 - c. Divorce decrees,
 - d. Legal separation agreements,
 - e. Child support orders and payments,
 - f. Income verification, and
 - g. Bankruptcy documents.
2. Require the Applicant or Licensee to provide additional information if:
 - a. The physical or mental health needs of a Household Member could interfere with the care, supervision, and monitoring of a Member;
 - b. Adults residing outside the Household could have frequent or close contact with a Member; or

- c. An Applicant, Licensee, or Household Member has been charged with or convicted of a crime, even if the specific crime does not preclude the issuance of a Level One Fingerprint Clearance Card.
 - 3. Gather additional information needed to determine the Applicant's or Licensee's Fitness, including:
 - a. Interviewing the Applicant;
 - b. Verifying references;
 - c. Verifying information provided in the Application by review of public records; and
 - d. Inspecting the Applicant's Home.
- B. When making a Licensing Decision, the Department shall consider factors that have a bearing on the Applicant's or Licensee's Fitness, including:
 - 1. The Applicant's or Licensee's history of parenting or caring for children or vulnerable adults;
 - 2. The Applicant's or Licensee's financial stability and ability to meet obligations, without receipt of room and board payments on behalf of the Member;
 - 3. Physical or mental health concerns that impact the Applicant's or Licensee's ability to provide safe care, supervision, and mentoring to a Member, including accommodations presented by the Applicant or Licensee to reduce or eliminate any physical or mental health conditions;
 - 4. Criminal charges or allegations; and
 - 5. Other significant factors in the Applicant's or Licensee's life.

- C. The Department may provide an exemption to the requirements of this Article on a case-by-case basis if the exemption does not conflict with statutory requirements and the Applicant or Licensee:
1. Demonstrates an alternative means of compliance;
 2. Demonstrates the intent of the requirement is met; and
 3. Demonstrates the exemption does not endanger the lives or health of Members.
- D. The exemption parameters provided under (C) of this section shall be listed on the License and shall be valid only for the term of the current License. The Licensee shall request the exemption and get the Department's approval of the exemption prior to each renewal or change in Member composition of the Home.
- E. If an investigation is pending, the Department may issue a License if the Department determines that, based on information currently available, the Applicant is in Substantial Compliance. Issuance of a License does not preclude the Department from taking an adverse action once the investigation is completed.
- F. The Department has the final authority on the License parameters.
- G. If placements are being made from the Department of Child Safety of individuals without a Developmental Disability, the Department of Economic Security may impose restrictions to the License.

R6-6-1014. ~~Rights of Children in Child Developmental Foster Homes~~ The License

~~The licensee shall uphold and safeguard the rights of clients consistent with applicable federal and state laws, specifically including A.R.S. § 36-551.01, unless legally restricted or as addressed in the ISPP in accordance with Article 9. Rights for children shall allow for reasonable~~

~~standards of parental guidance and protection. In addition to those rights specifically stated in statute, rights shall include, at a minimum:~~

- ~~1. The right to be provided choices and to express preferences which will be respected and accepted whenever appropriate and possible;~~
- ~~2. The right to be free from personal and financial exploitation;~~
- ~~3. The right to a safe, clean, and humane physical environment;~~
- ~~4. The right to own and have appropriate access to personal property;~~
- ~~5. The right to associate with persons of the child's own choosing as appropriate to the age and developmental level of the child;~~
- ~~6. The right to participate in social, religious, educational, cultural, and community activities;~~
- ~~7. The right to have access to their personal spending money and to be taught to manage their spending money;~~
- ~~8. The right to the least amount of physical assistance necessary to accomplish a task;~~
- ~~9. The right to privacy, including during treatment and care of personal needs, and with regard to written correspondence, telephone communications, and visitations;~~
- ~~10. The right to have care for personal needs provided, except in cases of emergency, by a caregiver of the gender appropriate to the age of the child or as specified in the ISPP; and~~
- ~~11. The right to be treated with dignity and respect.~~

A. The Department issues the following types of Licenses:

1. Initial Licenses,
2. Renewed Licenses,
3. Amended Licenses, and
4. Provisional Licenses under A.R.S. § 36-593.

B. The License shall specify the following:

1. The type of License (initial, renewed, amended, or provisional);
2. The name of the Licensee;
3. The physical address of the Home;
4. The date the License is issued;
5. The maximum number of Members that may be placed in the Home;
6. The age range of Members that may be placed in the Home;
7. The gender of Members that may be placed in the Home;
8. All restrictions applicable to the License; and
9. The name of the Licensing Agency.

C. A License shall:

1. Be valid for the period of time specified on the License;
2. Expire at midnight on the expiration date, unless an Application for renewal has been made prior to the expiration date, in which case, the existing license does not expire until the application has been finally determined by the Department, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the Department order or a later date fixed by order of the reviewing court under A.R.S. § 41-1064(B); or
3. Terminate if:

- a. The Licensee voluntarily closes the License;
- b. The Department revokes or denies the License renewal Application, unless an appeal is pending;
- c. The Licensee moves to a different residence without first notifying the Licensing Agency and the Department;
- d. The Licensee moves out of Arizona; or
- e. The License expires.

R6-6-1015. ~~Exemption~~ Specifications on the License; Capacity Requirements

~~A licensee may request from the Division an exemption of a rule contained in this Article. The request shall demonstrate that the intent of the rule will be met by alternate means and that the exemption will not endanger the lives or health of clients.~~

A. Except as permitted by subsection (E),

- 1. During the first six months of licensure, the capacity of a License shall be for one Member.
- 2. After six months of Member placement, upon the request of the Licensee, the Department may increase the capacity.
- 3. Upon the request of the Licensee, the Department may grant an exception to increase the capacity if an exception is in a Member's best interest.

B. To determine a change in capacity the Department shall consider:

- 1. Adequacy of sleeping arrangements.
- 2. The support network available.
- 3. The Licensee's willingness and ability to provide care for each additional Member.

4. The Licensee's prior experience providing care, and
 5. The needs of all Household Members.
- C.** The Licensee shall provide Developmental Home services only for the number of Members and conditions listed on the License.
- D.** The Licensee shall not provide HCBS services to Members while directly responsible for the care and supervision of Members placed in the Home for Developmental Home services.
- E.** For Child Developmental Homes:
1. The total number of children receiving care and supervision by a Developmental Home Licensee at one time, including the children who are Household Members, shall not exceed:
 - a. Two, who are 12 months of age or younger;
 - b. Four, who are five years of age or younger; and
 - c. Six children total.
 2. No more than four children with Special Health Care Needs may be in the care of the Licensee at any given time.
 3. The Department may permit the Licensee to exceed the number and the age limits of children in the Home to keep a sibling group together, but not to exceed more than six placements.
- F.** For Adult Developmental Homes, no more than four Members, including Household Members, or individuals with Special Care Needs may be in the care of the Licensee at any given time.

R6-6-1016. ~~Home Inspections and Monitoring~~ Licensing Limitations

- ~~A. The licensee shall cooperate with the Division in assessing compliance with this Article.~~
- ~~B. The licensee shall allow the Division access to the setting for inspections and monitoring visits and shall allow the Division access to the licensee's records, reports, and vehicles used to transport clients.~~
- ~~C. Inspections and monitoring visits shall include, at a minimum:~~
- ~~1. An annual home visit as part of the license renewal process; and~~
 - ~~2. Two monitoring visits each year, at least one of which will be unannounced.~~
- ~~D. The licensee shall comply with corrective action plans as required by the Division.~~
- A. The Department shall License unmarried Applicants individually.
- B. The Department shall License married Applicants jointly, unless a married Applicant applies to be Licensed individually because the spouse is:
1. Expected to be absent from the Household for nine or more of the following 12 months due to employment, military service, or other planned absence. The absent spouse shall:
 - a. Obtain a Level One Fingerprint Clearance Card;
 - b. Submit a criminal history self-disclosure; and
 - c. Submit to checks of the Protective Services registries.
 2. Legally separated and living in another residence and the Applicant has the right to exclusive use of the residence; or
 3. Medically or physically incapacitated to the degree that the spouse is unable to provide care for a Member.
- C. The License is only valid for the individual specified on the License.
- D. The License is only valid for the address specified on the License.

- E. A Licensee shall not simultaneously hold more than one License for residential services.
- F. The issuance of a License to a qualified Applicant does not guarantee placement of a Member.

R6-6-1017. Complaints Transferring an Application or License

- ~~A. Any person who has a complaint about a child developmental foster home may make the complaint known verbally or in writing to the Department.~~
- ~~B. A complainant who has provided his name and address shall be notified that his complaint has been received and the notice shall indicate what investigative actions shall be taken.~~
- ~~C. The Department shall investigate complaints about child developmental foster homes within ten calendar days of the receipt of the complaint and shall notify the licensee of the investigation. In a case where there is reason to believe that imminent danger exists, the investigation shall be conducted immediately and the licensee shall be notified.~~
- ~~D. The name or identifying characteristics of the complainant shall not be disclosed unless the complainant consents in writing to the disclosure or investigation of the complaint results in a legal proceeding and disclosure is ordered by an appropriate authority.~~
- ~~E. The Department shall notify the licensee of the results of an investigation conducted pursuant to this rule and the requirement for any corrective action that the Department deems necessary.~~
- ~~F. The licensee shall cooperate with the Division in completing investigations of complaints or concerns regarding the Child Developmental Foster Home and regarding children placed in the home.~~

- A. A Licensing Agency shall make a diligent effort to work with an Applicant or Licensee. If, however, the parties determine that they cannot continue to work together, the Licensing Agency shall assist the Applicant or Licensee to find another Licensing Agency and transfer the Licensing Record to the new Agency.
- B. Transfer of a License from one Licensing Agency to another Licensing Agency shall not occur within 60 days of renewal.
- C. The originating Licensing Agency shall, utilizing forms provided by the Department, communicate to the receiving Licensing Agency regarding the Applicant or Licensee and agree on a transfer date prior to submitting the request to the Department.
- D. During the transfer of a License, the Member shall have the choice of Developmental Home providers.

**R6-6-1018. ~~Denial, Suspension, and Revocation of Child Developmental Foster Home~~
~~Licenses~~ The Licensing Record**

- ~~A. The Division may deny, suspend, or revoke a license for violations of A.R.S. § 36-594.~~
- ~~B. The Division may deny or revoke a license if a license Applicant or licensee has been arrested for, convicted of, charged with, or pled no contest to any of the following criminal acts:~~

 - ~~1. Sexual abuse of a child or vulnerable adult,~~
 - ~~2. Incest,~~
 - ~~3. First or second degree murder,~~
 - ~~4. Kidnapping,~~

5. Arson;
 6. Sexual assault;
 7. Sexual exploitation of a child or vulnerable adult;
 8. Commercial sexual exploitation of a child or vulnerable adult;
 9. Felony offenses within the previous ten years involving the manufacture or distribution of marijuana or dangerous or narcotic drugs;
 10. Robbery;
 11. Child prostitution as defined in A.R.S. § 13-3206;
 12. Child abuse or abuse of a vulnerable adult;
 13. Sexual conduct with a child;
 14. Molestation of a child or vulnerable adult;
 15. Voluntary manslaughter; or
 16. Aggravated assault.
- C.** ~~Upon notification that a member of the household or person living on the premises of a Child Developmental Foster Home is found to have been arrested for, convicted of, charged with, or pled no contest to any of the criminal acts listed in subsection (B), the licensee shall immediately take the following actions:~~
1. ~~Remove the person from direct contact with children;~~
 2. ~~Notify the Division, unless the licensee initially received notice from the Division.~~
- D.** ~~If a licensee fails to comply with subsection (C), the Division shall revoke or suspend the license.~~

~~E. If the criminal record check indicates that an individual has been convicted of or found by a court to have committed, or is reasonably believed to have committed, offenses pursuant to A.R.S. § 36-594, other than those listed in subsection (B), the Division shall consider the following factors when determining what corrective action to take against the licensee:~~

- ~~1. The extent of the individual's criminal record;~~
- ~~2. Length of time since the commission of the offense;~~
- ~~3. Nature of the offense;~~
- ~~4. Mitigating circumstances surrounding commission of the offense. The burden is on the person to demonstrate that there were mitigating circumstances;~~
- ~~5. The degree of the person's participation in the offense. The burden is on the person to demonstrate that the involvement was not direct; and~~
- ~~6. The extent of the person's rehabilitation, including but not limited to:~~
 - ~~a. The person shall provide that probation has been completed and complete restitution or compensation for the offense has been made, and~~
 - ~~b. Evidence of positive action to change criminal behavior such as completion of a drug treatment program or counseling.~~
- ~~7. Personal references attesting to the person's rehabilitation.~~

~~F. When an application for a license is denied, or a license is suspended or revoked, pursuant to A.R.S. § 36-594, the Division shall deliver a written notice of the action in person or send a written notice of the action by certified mail to the license applicant or licensee. The notice shall state the reasons for the denial, suspension, or revocation with reference to applicable statutes and rules.~~

- G.** ~~If the reason for denial, suspension, or revocation of a license involves the health, welfare, or safety of clients, the clients shall be immediately removed from the child developmental foster home.~~
- H.** ~~When a license is denied, suspended, or revoked, the license applicant or licensee has the right to appeal the decision pursuant to Article 22.~~
- I.** ~~The Division may suspend a child developmental foster home license for:~~
- ~~1. Up to six months during an investigation or while the licensee completes a corrective action plan.~~
 - ~~2. Up to 12 months due to the temporary inability of the licensee to provide services.~~
- J.** ~~No child can be placed in the foster home during a suspended license status.~~
- A.** The Licensing Agency shall compile and maintain a Licensing Record for each Applicant or Licensee as prescribed by the Department.
- B.** Upon written request by the Applicant or Licensee and with approval from the Department, the Licensing Agency shall forward the complete and original Licensing Record to another public or private licensing or adoption agency or entity:
1. Within 30 days of receiving the request, and
 2. At no cost to the Applicant or Licensee.
- C.** Upon written request, the Department shall provide the following licensing and monitoring information to individuals considering placement of a Member in a Developmental Home:
1. Length of time the provider has been Licensed;
 2. Licensing parameters;
 3. Records of substantiated complaints or licensing violations, if any; and

4. Records of Corrective Action Plans, if any.

R6-6-1019. Appeals Amending the License

- ~~A. When an application for a license is denied, or a license is suspended or revoked, the Division shall notify the license applicant or licensee of the right of appeal pursuant to R6-6-2201 et seq. (Appeals and Hearings), except that appeals from the decision of a hearing officer shall be in accordance with A.R.S. § 41-1992 (Hearing Officers Powers and Duties).~~
- ~~B. If the license applicant or licensee appeals a licensing decision, the denial, suspension, or revocation of the license shall not become final until the appeal decision is rendered.~~
- ~~C. If the children have been removed from the child developmental foster home because of a health, welfare, or safety issue, they shall remain out of the home while the appeal is pending.~~
- A. The Licensing Agency shall request an amendment to modify a License when there is a change in the following:
1. Number, age range, and gender of the Members who may be placed in the Home;
 2. Physical address of the Home;
 3. Legal name of the Licensee;
 4. Marital status of the Licensee;
 5. Name of the Licensing Agency specified on the License; or
 6. Any condition or Certification specified on the License.
- B. The Licensing Agency shall provide the following information to the Department to amend a License:
1. A description of the requested change;

2. Justification for the change; and
 3. A recommendation by the Licensing Agency based on the Licensing Record to issue or deny an amendment to the License or to limit the terms or conditions of the License, if applicable.
- C. To change the physical address due to the relocation of the Licensee, the Licensing Agency shall submit a request to the Department for a Life Safety Inspection prior to relocation and conduct a Life Safety Inspection prior to relocation using forms prescribed by the Department.
- D. To add the name of a new spouse, the Licensing Agency shall conduct interviews and assessments to evaluate the spouse's Fitness in accordance with licensing requirements in this Article.
- E. The Department may initiate the action to amend a License.
- F. An amendment shall not change the issuance date or expiration date on a License.

R6-6-1020. Home or Household Changes

- A. A Licensee shall notify, in advance when possible, the Licensing Agency of any changes in the Household composition, including:
1. Marriage of a Licensee;
 2. Divorce or separation of a Licensee;
 3. Death of another Licensee or of a Household Member;
 4. Departure of a Household Member from the Home;
 5. Any changes in the living arrangements or circumstances of the unlicensed spouse when a Licensee is married but Licensed individually;
 6. The addition of a visitor or Household Member to the Premises for:

- a. 30 or more consecutive days, or
 - b. 30 or more cumulative days in a year; or
 - 7. Arrest of a Licensee or Household Member.
- B.** A Licensee shall provide advance notice to the Licensing Agency of material changes to the Home or Premises, including:
 - 1. Relocation to another Home;
 - 2. The addition of any Pools and other receptacles intended to hold or collect water exceeding 18 inches in depth; or
 - 3. Significant structural modifications to the Home including:
 - a. Adding or removing walls, windows, or doors; or
 - b. Converting a garage, attic, basement, or other similar space into a bedroom.
- C.** If a Licensee does not have advance knowledge of an event or change listed in subsection (A) or (B), the Licensee shall notify the Licensing Agency as soon as the event occurs or change is known.
- D.** The Licensing Agency shall file an amendment request with the Department within 15 calendar days of notice of any event or change listed in subsection (A) or (B).
- E.** The Licensing Agency shall evaluate the impact of the event or the change on the dynamics within the Home and on the provision of care or supervision to a Child or adult Member and recommend any changes to the License as a result of the event or change.
- F.** If the information provided by the Applicant and Licensing Agency is incomplete, the Applicant and the Licensing Agency shall have an additional 30 days from receipt of notification from the Department to provide the additional information to the Department.

R6-6-1021. Evaluating Changes in Household Composition

- A.** If there is a change in the Household composition, the Licensing Agency shall evaluate the impact of the change on the dynamics within the Home and on the provision of care or supervision to a Member.
- B.** When a Household Member is added during the term of the License, the Licensing Agency shall:

 - 1. Conduct interviews, gather required documents, and make observations to evaluate the new Household Member, including:

 - a. The length of time the Licensee has known the new Household Member;
 - b. The background of the new Household Member, including any criminal history and allegations of child abuse or neglect;
 - c. Financial arrangements, if any, between the Licensee and the new Household Member;
 - d. The role of the new Household Member in the care and supervision of a Member;
 - e. Changes in sleeping arrangements;
 - f. Whether the new Household Member presents a risk to the health, safety, or well-being of a Member; and
 - g. Whether licensing requirements continue to be met with the addition of the new Household Member;
 - 2. Make a recommendation to the Department on the need for an Adverse Licensing Action in response to the new Household Member;

3. Inform the Licensee that a Household Member's failure to meet requirements specified in this Article may constitute grounds for an Adverse Licensing Action;
4. Ensure that within seven days of the addition of an Adult Household Member in the Home, the Adult Household Member applies for a Level One Fingerprint Clearance Card and completes the Criminal History Self-disclosure, Statement of Understanding, Health Self-disclosure, and physician statement; and
5. Submit an amendment to the Department within 30 days of the addition of an Adult Household Member.

R6-6-1022. Requirements for Household Members and Individuals Residing on the Premises

- A.** The Applicant or Licensee shall ensure that each Adult Household Member participates in interviews with the Department or Licensing Agency to evaluate the:
1. Role of the Household Member in the care, supervision, and mentoring of a Member;
 2. Household Member's support of, and agreement with, the Applicant's decision to apply for a License;
 3. Financial contribution of the Member to the Household; and
 4. Social history of each Household Member including employment, education, marriage, divorce, and children.
- B.** The Applicant shall ensure that each Adult Household Member provides the Licensing Agency with:
1. Information and consent needed to conduct a background check with the Protective Services registries in Arizona, and, for a Child Developmental Home,

with the Protective Services registries in other states the Household Member has lived in during the previous five years;

2. A completed Health Self-disclosure;

3. A Physician's Statement;

4. A criminal history self-disclosure; and

5. Verification that the Household Member has a current and valid Level One Fingerprint Clearance Card.

C. The Applicant shall provide available updated immunization records for each Child Household Member.

D. Prior to an individual moving into the Household during the term of the License, the Licensee shall:

1. Notify the Licensing Agency of additions to the Household in accordance with this Article; and

2. Ensure that each new Household Member complies with the requirements specified in subsections (A), (B), and (C).

E. Upon approval by the Department, an Individual Residing on the Premises neither has to be fingerprinted nor maintain a current and valid Level One Fingerprint Clearance Card. However, the Department shall only approve an individual as an Individual Residing on Premises, if the Licensing Agency provides evidence that:

1. The individual does not share a common address or living space with the Applicant;

2. The individual is not related to the Applicant by blood, adoption, marriage, or prior marriage;

3. The individual pays rent to the Applicant that is included as part of the budget summary; and
 4. The individual is not approved for Alternative Supervision of Members.
- F.** The Licensee shall ensure that the licensing requirements continue to be met with the addition of a new Household Member or Individual Residing on the Premises.

R6-6-1023. Certification of a Child Developmental Certified Home

- A.** Under the authority of A.R.S. § 36-593.01, a Licensed Foster Parent shall cooperate with the Department of Child Safety and the Department of Economic Security to apply for Certification from the Department of Economic Security.
1. To be granted Certification, the Home and the Licensed Foster Parent applying for Certification shall meet all requirements of this Article except the maximum number of foster children who may be placed in a Child Developmental Certified Home at any one time may not exceed five foster children, not more than three of whom have Developmental Disabilities under A.R.S. § 36-593.01.
 2. The Licensed foster parent shall cooperate with the Department's annual Certification.
 3. A Home Certified by the Department shall not be Certified to serve more than a total of three children with Developmental Disabilities.
 4. The Licensed Foster Parent shall cooperate with a Home visit as part of the Certification process.
- B.** The Certifying Agency shall comply with all requirements of this Article.
- C.** The Child Developmental Certified Home certificate shall include the following:
1. Whether the certificate is an initial, renewal, or amended certificate;

2. The name of the Licensed Foster Parent;
3. The physical address of the Home;
4. The date the foster parent License is issued;
5. The date the certificate is issued;
6. The maximum number of Child Members that may be placed in the Home;
7. The age range of Child Members that may be placed in the Home;
8. The gender of Child Members that may be placed in the Home;
9. All restrictions applicable to the Certification; and
10. The name of the Licensing Agency and Certifying Agency.

R6-6-1024. Responsibilities of a Licensee

A. A Licensee shall:

1. Cooperate with the Licensing Agency.;
2. Communicate with the Licensing Agency to determine which Members may be a good fit for the Household;
3. Ensure that all Household Members are free of physical or mental health conditions that would interfere with the safe care, supervision, and mentoring of a Member;
4. Provide or arrange appropriate supervision of Members at all times;
5. Demonstrate that employment does not conflict with the care and supervision of a member;
6. Provide a statement to the Licensing Agency when an employment conflict is identified, and prior to placement, change the employment schedule to ensure that the employment does not conflict with the care and supervision of a Member;

7. Not conduct Home business activities that prevent the Licensee from caring for a Member in accordance with License requirements;
 8. Upon transition of a Member from the Licensee's care, ensure that the Member's Medications, personal funds, and belongings are given to the Member or Responsible Person;
 9. Follow the spending plan of a Member when assisting the Member in making purchases;
 10. Ensure that money designated for a Member is only used for the specific purpose intended and for the benefit of the Member;
 11. Keep a record of a Member's personal property that is updated with items that are added and discarded;
 12. Assist a Member in developing and fostering personal relationships; and
 13. Provide care for a Member
- B.** When providing Alternative Supervision to a Member receiving Developmental Home services in a different Developmental Home, the Licensee shall comply with the conditions and restrictions specified on the License, including the capacity, age, and gender.
- C.** A Licensee shall not provide care to adult Members in the Child Developmental Home. When a Child turns 18, and there are other children in the Home, the Licensee may become Licensed as an Adult Developmental Home and provide continuing care to the other children in the Home at the discretion of the Department.
- D.** Unless a prior written approval is obtained from the Department, a Child Developmental Home Licensee shall not accept placements of children who are not Members unless

those placements are siblings of children who are already placed in the Child Developmental Home.

- E. The Licensee shall obtain approval from the Department before accepting placements from other agencies or private parties.
- F. The Licensee shall comply with the terms of the Developmental Home Agreement.
- G. The Licensee shall comply with the Department's "Statement of Understanding."

R6-6-1025. Rights of Members

- A. All Service Providers shall uphold the rights of Members listed in A.R.S. § 36-551.01 and A.A.C. R6-6-102.
- B. If a Licensee is not able to protect or uphold the rights of a Member, the Licensee shall immediately notify the Department and the Licensing Agency so that alternative arrangements or assistance may be made to protect the rights of the Member.

R6-6-1026. Care of Members

A Licensee shall care for Members by:

- 1. Providing the Member with opportunities to develop emotionally, socially, culturally, physically, and educationally, as appropriate to the Member's skill and developmental level;
- 2. Helping the Member develop a positive identity by respecting the Member's race, ethnicity, religion, gender, culture, and sexual orientation;
- 3. Integrating the Member into the Licensee's family;
- 4. Providing the Member with opportunities to make choices and to express preferences appropriate to the Member's age and developmental level;

5. Providing the Member with opportunities for social and physical development appropriate to the Member's interests through recreation and leisure time activities; and for a Child, providing the Child with a variety of safe and developmentally appropriate play equipment, toys, and recreational supplies;
6. Practicing behavior supports in compliance with the Member's Planning Document;
7. Assisting the Member with day-to-day concerns;
8. Providing the Member with assistance, comfort, and emotional support;
9. Encouraging the Member's connection and contact with family, friends, community, and culture; and
10. Protecting the Member from harm.

R6-6-1027. Supervising Members

- A. A Licensee shall commit the time necessary to provide each Member with care, supervision, and guidance, based on the Member's age, developmental level, and maturity, and consistent with the Planning Document.
- B. When Members choose to engage in community activities, such as camp, overnights, or activities that are not intended to provide relief from caregiving, Alternative Supervision Plan requirements as outlined in R6-6-1043 do not apply. However, the Licensee shall provide orientation to the responsible individual sponsoring the activity regarding the Member prior to participation.
- C. For routine care of a Child or adult or unless prescribed in subsection (B), a Developmental Home provider shall have arrangements approved by the Licensing Agency and the Planning Team and consistent with this Article. For the purpose of this

subsection, “routine care” refers to care that is recurrent and predictable, including preschool care, before or after-school care, or care that allows the Licensee to attend recurring activities other than employment.

R6-6-1028. Positive Behavioral Support

A. A Licensee shall:

1. Comply with the requirements for behavioral support as specified in Article 9 of this Chapter;
2. Establish well-defined guidelines that set the limits of behavior and communicate the guidelines to the Member;
3. Identify, report to the Support Coordinator, and document in the Member file behavioral issues that have the potential to impact the health, safety, or training needs of the Member; and
4. Participate in the Member’s Planning Team to develop any necessary behavior plans established in accordance with Article 9 of this Chapter.

B. The Responsible Person or the Department may prohibit the use of specific techniques to modify a Member’s Inappropriate Behavior or Unsafe Behavior that are not ordered by a physician or are in conflict with federal or state laws and regulations or are inconsistent with Article 9 of this Chapter.

C. A Licensee or anyone living in the Household shall not use or threaten to use harmful or negative action against a Member, including:

1. Any form or threat of Physical Punishment, such as hitting, spanking, biting, pinching, shaking, slapping, smacking, punching, or kicking;
2. Humiliation, verbal abuse, or profane language targeting a Member;

3. Derogatory remarks about the Member, or about an individual who is significant to the Member;
4. Threats to remove the Member from the Home;
5. Cruel, severe, depraved, humiliating, or frightening actions or statements; or
6. Denial of a Member's visitation or communication with the Member's family or with an individual who is significant to the Member when such denial is inconsistent with the Planning Document.

R6-6-1029. Bedrooms, Beds, and Bedding

- A. A Licensee shall not use a closet, passageway, or space primarily for purposes unrelated to sleeping as a bedroom for a Member or for a Household Member.
- B. A Licensee shall provide a Member with a bedroom that accommodates the privacy and safety needs of the Member, and that is a finished room demonstrated by:
 1. Floor-to-ceiling walls;
 2. A door with a working doorknob;
 3. Lighting;
 4. Ventilation;
 5. A window or door that opens directly to the outdoors and is accessible for emergency evacuation;
 6. A place to store clothing and personal belongings; and
 7. Is not a detached room or casita.

- C.** The bedroom for a Member shall be large enough to accommodate a Bed, furniture to store clothing and display personal belongings, and space for the Member to dress and move about.
- D.** Except as permitted by subsection (F), a Licensee shall provide each Member with a Bed that is safe and appropriate based on the Member's age and needs. A Licensee shall ensure:
1. Each Member is provided with a separate Bed or crib, as appropriate;
 2. Any Member under the age of three does not sleep on a waterbed; and
 3. A Member does not sleep on the top tier of a bunk Bed or similar style Bed in which the top of the mattress is elevated four or more feet above the floor, if the Member:
 - a. Is under the age of six;
 - b. Has a seizure disorder; or
 - c. Has a medical condition or need that would increase the risk of harm.
- E.** A Licensee shall ensure that the bedding for a Member is clean and includes:
1. A pillow;
 2. Bottom sheet;
 3. A top sheet and blankets, or covers, appropriate for the weather; and
 4. A waterproof mattress cover, as needed.
- F.** A Licensee shall ensure that the bedding for infants is clean and follows the recommendations of the American Academy of Pediatrics guidelines for infant sleep safety.

~~The licensee shall provide appropriate, comfortable, and safe sleeping arrangements for each child consistent with the requirements of this Section.~~

- ~~1. Each child shall have his or her own bed and place to store clothing and personal belongings.~~
 - ~~2. No child shall sleep in an unfinished room, a hallway, or any room which is normally used for other than sleeping arrangements by family members.~~
 - ~~3. A child six years of age or older shall not share a bedroom with persons of the opposite sex.~~
 - ~~4. A child shall not share a bedroom with an adult except in the following circumstances:~~
 - ~~a. A child under two years of age may share a bedroom with the licensee.~~
 - ~~b. A child two years of age and older may share a bedroom with the licensee for special temporary care, such as during the child's illness or as specified in the ISPP.~~
 - ~~5. The licensee shall sleep within hearing distance of the child.~~
- A. A Licensee shall ensure that the sleeping arrangement for each Member is safe and appropriate, based on the Member's age, gender, needs, behavior, and history.
- B. A Licensee shall ensure compliance with the following sleeping arrangements:
1. A Member under age 18 shall not share a bedroom with an adult, with the following exceptions:
 - a. A Member under the age of three may share a bedroom, but not a Bed, with a Licensee;

- b. A Member age three and older may share a bedroom, but not a Bed, with a Licensee when the Member temporarily needs the attention of the Licensee during sleeping hours; or
 - c. A Member who has regularly shared a bedroom with another Child who has turned 18 may continue to share the bedroom unless the Department determines that the arrangement is contrary to the best interests of the Member.
 - 2. Any Member in the Home, aged six and older, shall not share a bedroom with a non-sibling of the opposite gender, and when siblings of the opposite gender share a bedroom, the Licensee shall consider the previous history.
 - 3. Except as provided in subsection (B)(1)(c), an adult Member shall not share a bedroom with a Child, unless the Member is the parent of that Child.
 - 4. An adult Member shall not share a bedroom with another adult Member unless:
 - a. Each Member or Member's representative agrees to the arrangement.
 - b. Each Member has a separate Bed and space for storing clothing and personal belongings in the bedroom, and
 - c. The arrangement is approved in the Planning Documents for both Members.

R6-6-1031. Meals and Nutritional Needs

A Licensee shall:

- 1. Encourage the Member to participate in meals as a Member of the family;
- 2. Provide the Member with a well-balanced and nutritionally adequate diet;

3. Provide for the dietary needs of the Member, as determined by a medical or nutritional authority or as practiced by the Member's religion or culture; and
4. Involve Members in meal planning and meal preparation based on the Member's preferences and abilities.

R6-6-1032. Hygiene and Daily Needs

The Licensee shall provide a Member with:

1. The supplies, instruction, and assistance needed to care for the Member's hygiene, including tooth brushing, bathing, hair care, using the toilet, hand washing, laundry care, menstrual care, and shaving, as appropriate;
2. Privacy while dressing, bathing, and during the care of other personal needs;
3. Assistance in using available resources to obtain clothing that is in good repair and appropriate to the Member's age, size, developmental level, gender, the weather conditions, and the occasion, based on the Member's preferences when appropriate; and
4. Assistance in maintaining clothing in a clean and hygienic fashion and in good repair.

R6-6-1033. Health and Medical Care

The Licensee shall protect and care for the health and well-being of a Member. The Licensee shall:

1. Provide necessary first aid and care to treat common ailments and injuries;
2. Obtain medical and dental examinations for each Member in accordance with medical or dental recommendations;

3. Provide necessary care and treatment for medical, dental, mental health, and other services identified in the Planning Document;
4. Obtain immunizations for infants, school-aged children, and adults in accordance with recommendations by the Centers for Disease Control and Prevention, unless specified otherwise in the Planning Document;
5. Administer prescription Medication only as prescribed or approved in writing by a medical professional; and
6. Carry out the written and oral instructions from qualified professionals regarding the medical, dental, and therapeutic needs of the Member.

R6-6-1034. Smoking Restrictions

- A. The Licensee shall ensure that smoking is prohibited in the Home and in the immediate vicinity of Members. For the purposes of this Section, smoking includes the use of e-cigarettes and vaping devices.
- B. For adult Members who smoke, the Licensee and the Member shall develop mutually acceptable rules regarding the use of smoking products and designated areas for smoking.

R6-6-1035. Transportation Responsibilities

- A. The Licensee shall supervise, provide, or arrange appropriate local transportation to meet the routine educational, medical, recreational, social, religious, and any other reasonable transportation needs.
- B. Unless a Member is transported by state-funded transportation, public transportation, or paid professional transportation such as taxi or ridesharing, the Licensee shall ensure that:
 1. The vehicle used to transport Members:
 - a. Is maintained in safe operating condition;

- b. Is properly registered and has liability insurance; and
 - c. Has passenger safety restraints available and in use under applicable state laws;
- 2. If a Member has a disability that prevents the Member from maintaining head and torso control while sitting, the Licensee shall ensure the Member is transported as outlined in the Planning Document;
- 3. If a Member is transported in a wheelchair, the Member is properly secured with a floor-mounted seat belt, and the wheelchair is properly immobilized using lock-down devices;
- 4. The driver who transports a Member is 18 years of age or older and has a valid Arizona driver's license or if the driver is on active duty with the United States military and has a valid out of State driver's license;
- 5. A Member is not transported by a motorcycle, in a truck bed, in the cargo area, or in a trailer attached to a motor vehicle; and
- 6. A Member is not left unattended in a vehicle.
- C. A Licensee with a driving restriction on the Level One Fingerprint Card shall not transport a Member.
- D. A Licensee shall follow any driving restriction on the Licensee's state issued driver's license.

R6-6-1036. Education, Employment, and Day Services

The Licensee shall:

- 1. Communicate developmental and educational progress and concerns to the Support Coordinator;

2. Ensure attendance of a school-age Member in public school unless an alternative educational arrangement, such as private school, charter school, or homeschooling, has been approved in the Planning Document;
3. Encourage the Member's academic progress by ensuring the completion of homework and participating in the IEP, and planning meetings, as appropriate;
4. Encourage the Member to attend employment or day services; and
5. Schedule appointments, visitations, and other activities so they do not conflict with education, employment, or day services.

R6-6-1037. Religious and Cultural Practices

A. The Licensee shall:

1. Protect and support a Member's right to participate in religious and cultural practices;
2. Provide opportunities for a Member's participation in religious and cultural activities; and
3. Not compel a Member to participate in the Licensee's religious or cultural activities or practices against the Member's will or the wishes of the Responsible Person.

B. If there is a conflict between the religious or cultural practices of a Licensee and a Member, the Licensee shall notify the Licensing Agency so that the Licensing Agency may make alternative arrangements.

R6-6-1038. Recreation

The Licensee shall:

1. Encourage the Member to participate in indoor and outdoor recreation;

2. Provide adequate supervision, protection, and guidance during the use of recreational equipment, including Pools;
3. Ensure that the use of recreational equipment is in accordance with manufacturers' guidelines; and
4. Promote the Member's use of appropriate safety gear for recreational activities.

R6-6-1039. Out-of-State Travel

Before taking a Member out of the state of Arizona, the Licensee shall:

1. Notify the Licensing Agency, Responsible Person, and Support Coordinator in writing of the proposed destination and dates of travel; and
2. Obtain prior written permission from the Licensing Agency, Responsible Person, and Department for the travel.

R6-6-1040. Participation in the Planning Team

- A. A Licensee is a Member of the Planning Team for each Member in the Licensee's care.
- B. A Licensee shall participate in all Planning Team meetings.
- C. A Licensee shall implement all elements in the Planning Document including objectives, as applicable.
- D. A Licensee shall abide by any restrictions noted in the Planning Document.

R6-6-1041. Emergency and Disaster Plan

- A. A Licensee shall develop and maintain in the Home a written emergency and disaster plan that includes:
 1. Contact information for each Member, and Responsible Person including the name and telephone number of the Member's primary care physician, the Support

Coordinator, Department of Child Safety case manager, if applicable, and the Licensing or Certifying Agency;

2. An evacuation plan for the Home; and
3. A plan for relocation from the Home in the event of displacement due to flood, fire, the breakdown of essential appliances, or other disasters.

B. The Licensee shall provide a copy of the relocation plan to the Licensing Agency.

C. The Licensee shall provide each Member with a description of the emergency evacuation plan for the Home as appropriate to the Member's age and developmental level.

D. The Licensee shall review and practice the evacuation plan and maintain records of the practice:

1. With the Member:
 - a. Within 72 hours of the Member's placement in the Home;
 - b. Within 72 hours of the Licensee's relocation to another Home; and
 - c. At least once each year following the Member's placement in the Developmental Home; and
2. With all Household Members at least once each year.

R6-6-1042. Health and Safety Standards in Developmental Homes

The Licensee shall:

1. Comply with Life Safety Inspections under Article 11 of this Chapter;
2. Maintain the Premises of the Developmental Home in a clean and sanitary condition to the degree that it does not present a health or safety Hazard;

3. Ensure that the Developmental Home shall not have an accumulation of litter, rubbish, or garbage on the Premises. The Licensee shall ensure that litter, rubbish, and garbage are contained in cleanable containers with lids or sealed disposable containers and are removed from the property not less than once a week;
4. Ensure that the Developmental Home is free from, or has an ongoing system to eradicate insects, rodents, and other vermin;
5. Ensure that, before initial licensure and annually thereafter, the Developmental Home is inspected and meets the safety and sanitation guidelines of the applicable Life Safety Inspection under Article 11 of this Chapter;
6. Ensure that telephone service or similar two-way communication methods are available in the Home and are in working order;
7. Provide prior notification to the Department and cooperate with the Department in obtaining a Life Safety Inspection in compliance with applicable Life Safety Inspection laws and rules in the event of an addition to the Home, material changes to the Home or Premises, reallocation of space within the Home, or addition of a Pool.
8. Have a continuous source of hot water;
9. Equip the kitchen with a refrigerator, stove/cooktop, and oven; and
10. Conduct a fire drill every 6 months and with a new Member within 72 hours of placement.

R6-6-1043. Alternative Supervision

- A. To meet the temporary care needs of the Member when the Licensee is not available, the Department may allow Alternative Supervision that does not exceed a two-hour daily maximum for routine care.
- B. The Licensee shall ensure that an Alternative Supervision Plan is provided by:

 - 1. An individual that meets HCBS Certification requirements as listed in Article 15 of this Chapter and verified by the Licensing Agency including orientation to the Member; or
 - 2. A Child or Adult Developmental Home Licensee, provided that the Alternative Supervision meets the parameters established on the License.
- C. The Licensee shall ensure that the Alternative Supervision Plan is approved by the Member's Planning Team. Prior to approving an Alternative Supervision Plan, the Planning Team shall consider:

 - 1. The developmental needs of the Member;
 - 2. The age of the Member;
 - 3. Any existing Alternative Supervision Plans; and
 - 4. Any other factors that may impact the specific Member.

R6-6-1009. R6-6-1044. Notification Requirements

- ~~A. The licensee shall notify the Division or placing agency of the following events:~~

 - ~~1. An addition to the foster home, structural remodeling of the foster home, or addition of a swimming pool or spa. The licensee shall provide prior notification to the Division and shall cooperate with the Division in obtaining an Arizona Department of Health Services inspection as prescribed in A.R.S. § 8-504;~~
 - ~~2. Changes in marital status or living arrangement of the licensee;~~

- ~~3. A plan to make a change in location of residence;~~
- ~~4. Arrests, indietments, or convictions of any household member or of persons living on the Premises;~~
- ~~5. Serious injury, illness, illegal substance use or substance abuse, suicidal behavior, attempted suicide, or death of any foster family member. The Division may require the licensee provide written documentation from a physician regarding the change in medical status;~~
- ~~6. Changes which impact on the ability of the foster family to meet the needs of the child;~~
- ~~7. Addition of a new household member shall be made to the Division prior to the addition;~~
- ~~8. A temporary visitor staying more than one month; and~~
- ~~9. A change in the primary care giver or a person leaving the household who contributed to the care of the child. Notification shall be made to the Division prior to the change.~~

B. ~~For children placed by the Division in the licensee's home, the licensee shall notify the Division of incidents including but not limited to:~~

- ~~1. Possible child abuse or neglect as per A.R.S. § 13-3620 and R6-6-1601;~~
- ~~2. Hospitalization, the intervention of a medical practitioner, or emergency medical care as a result of serious illness, injury, medication error, or suicidal behavior;~~
- ~~3. Death of a child;~~
- ~~4. A child missing. A child missing must be reported to law enforcement officials and the Division as soon as the child is determined to be missing;~~

5. ~~Theft of money or property;~~
 6. ~~Incidents which involve or may potentially involve the police or media;~~
 7. ~~Significant damage to the property of the child, the property of the state, the property of the licensee, or the property of others; and~~
 8. ~~Illegal substance use or substance abuse.~~
- C.** ~~The licensee shall obtain prior approval from the Division for alternative supervision plans. Alternate supervision shall only be provided by persons 18 years of age or older.~~
- A.** The Licensing Agency shall notify the Department of all Incidents as outlined in Department policy.
- B.** The Licensing Agency shall notify the Department in writing of each complaint or allegation involving a Licensee and each investigation initiated by Protective Services or law enforcement in accordance with R6-6-1048(A).
- C.** The Licensee shall notify the Department or placing Agency of the following:
1. Plans for an addition to the Developmental Home, material changes to the Developmental Home or Premises, reallocation of space, or addition of a Pool;
 2. Changes in marital status or living arrangement of the Licensee;
 3. A plan to make a change in location of residence;
 4. Arrests, indictments, or convictions of any Licensee or Household Member or individual living on the Premises, or law enforcement visits to the Home;
 5. Serious injury, illness, illegal substance use, substance abuse, suicidal ideation, suicidal behavior, attempted suicide, or death of any Licensee or Household Member. The Department may require the Licensee to provide written documentation from a physician regarding the medical status;

6. Changes that impact the ability of the Licensee to meet the needs of a Member;
7. Addition of a new Household Member, prior to the addition; and
8. Any other unusual circumstances that may impact compliance with this Article, or care of the Member.

D. For the purposes of this Article, the Licensee shall adhere to the same reporting responsibilities for non-Members as Members placed in the Home.

R6-6-1045. Records to Be Maintained by the Licensee

A. A Licensee shall maintain a record of:

1. The name and contact information of the Member's family members and other significant individuals;
2. Educational, medical, dental, or therapeutic care provided to the Member while living in the Home;
3. Progress notes on Habilitation goals and outcomes and data related to goals and outcomes in the teaching strategy;
4. Serious Incident reports;
5. How Member funds are spent;
6. Copy of the current Planning Document; and
7. A Medication log, which accurately contains the following information:
 - a. The name of the Member who received the Medication;
 - b. The name of the Medication as written on the pharmacy label;
 - c. The Medication dosage as written on the pharmacy label;
 - d. The date and time of administration;
 - e. The route of administration as listed on the pharmacy label;

- f. Special instructions for administering Medications as listed on the pharmacy label;
- g. Signature and initials of the individual who administered the Medication or supervised each administration. If Medications are administered by an individual outside the Home, indicate the responsible administering party; and
- h. Documentation of Medications sent for administration to Member off Premises.

B. A Licensee shall protect a Member's records in accordance with R6-6-1046.

C. The Licensee shall transfer all records regarding service provision to the Licensing Agency upon the Member transitioning from the Licensee's Home.

R6-6-1046. Confidential Information

A. The Licensing Agency and Licensee shall protect and maintain the confidentiality of all Personally Identifiable Information and Protected Health Information about a Member.

B. A Licensee shall protect a Member's records in a manner that prevents loss, tampering, or unauthorized use.

C. A Licensee may only share confidential or Personally Identifiable Information:

- 1. With individuals or entities who have a critical need to know, access, or possess the information to carry out official duties or to provide services to a Member, such as health care providers, schools, child care providers, day programs, and legal representatives;
- 2. As authorized in writing by the Responsible Person; or
- 3. In accordance with State and federal law.

R6-6-1047. Routine Monitoring and Verification of Ongoing Compliance

- A.** Throughout the term of a License, the Licensee shall ensure ongoing compliance with licensing requirements by making the Home available for announced and unannounced monitoring and inspections.
- B.** Inspection and monitoring activities by the Licensing Agency or the Department may include:

 - 1. A review of records and reports maintained by the Licensee on the care, services, and treatment provided;
 - 2. Interviews with the Licensee and Household Members;
 - 3. Interviews with Members residing in the Home; and
 - 4. An inspection of the Home, Premises, and vehicles used to transport Members.
- C.** At least quarterly, the Licensing Agency shall conduct a documented onsite visit to assess and monitor compliance with this Article.
- D.** At least one visit per calendar year shall be unannounced. An unannounced visit shall include an inspection of the Premises.
- E.** The Department or the Licensing Agency shall comply with the requirements of A.R.S. § 41-1009 regarding inspections and audits.
- F.** The Licensing Agency shall keep a copy of the monitoring and inspection records and reports and make them available to the Department upon request.
- G.** The Licensee shall allow the Home to be inspected as permitted by A.R.S. § 36-595.01.

R6-6-1048. Licensing Complaints

- A.** The Licensing Agency shall notify the Department in writing of each complaint or allegation involving a Licensee and each investigation initiated by Protective Services or law enforcement within 24 hours after the Licensing Agency becomes aware of the complaint or investigation, unless original notification to the Licensing Agency came from the Department. The Licensing Agency's notification to the Department shall include the:
1. Date and place of the Incident;
 2. Nature of the complaint or allegation; and
 3. Names of all individuals involved in the complaint or allegation.
- B.** At the request of the Department, the Licensing Agency shall conduct an investigation within 10 days of receiving the request and submit a written report on a form provided by the Department within 30 days from the date of receipt of the request, unless the Department provides other instructions to the Licensing Agency in writing. The written report shall include:
1. The scope of the inquiry, including a list of individuals interviewed and a list of the documentation reviewed;
 2. The validity of allegations and other findings related to licensing violations;
 3. Citations of the rules violated and the specific actions that constituted the violations; and
 4. Recommendations by the Licensing Agency regarding corrective action or a summary of corrective actions already completed.
- C.** The Department may conduct an inquiry or investigation independent of, or in conjunction with, the Licensing Agency, law enforcement, or Protective Services.

- D.** The Licensing Agency, Licensee, and all Household Members shall cooperate with any investigative activities initiated by the Department, law enforcement, or Protective Services.

R6-6-1049. **Corrective Action Plans**

- A.** The Department or the Licensing Agency may require a Corrective Action Plan for a Licensee to remedy a violation of this Article.
- B.** The Department or the Licensing Agency shall specify a date for completion for any required corrective action.
- C.** The Department or the Licensing Agency may conduct unannounced monitoring visits to verify the implementation or completion of the corrective action.

R6-6-1050. **Adverse Licensing Actions**

- A.** The Department may deny, suspend, or revoke a License if an Applicant or Licensee:
1. Commits any violations listed in A.R.S. § 36-594;
 2. Violates this Article;
 3. Violates Article 9 of this Chapter;
 4. Refuses or fails to provide the Licensing Agency or the Department with information needed to evaluate compliance with licensing requirements;
 5. Misrepresents or falsifies information provided to the Licensing Agency or the Department to evaluate compliance with licensing requirements;
 6. Fails to report a misrepresentation or falsification of information presented by a Household Member during the licensing process;
 7. Refuses or fails to comply with licensing requirements under Arizona or federal laws, local codes, or local ordinances;

8. Refuses or fails to carry out a required Corrective Action Plan to correct a violation or deficiency;
9. Has been denied a certificate or License to provide care to a Child or vulnerable adult, unless the denial was based on failure to complete the process;
10. Has had a certificate or License to provide care to a Child or vulnerable adult suspended or revoked; or
11. Is unable to meet the physical, emotional, social, medical, psychological, or educational needs of Members.

B. The Department may deny, suspend, or revoke a License if an Applicant, Licensee or Household Member:

1. Fails to obtain or maintain a Level One Fingerprint Clearance Card;
2. Has a record of proposed or substantiated allegation of abuse, neglect, or exploitation from the Department of Child Safety or Adult Protective Services; or
3. Fails to cooperate with the licensing process.

C. In assessing complaints and violations of statutes, rules, and licensing requirements, the Department shall consider:

1. The type of complaint or violation;
2. The severity of each violation;
3. The number of complaints or violations;
4. A pattern of complaints or violations; and
5. The Applicant's or Licensee's response to a Corrective Action Plan.

D. In the event of an Adverse Licensing Action:

1. The Licensee shall not provide care to new Members;

2. The Licensing Agency shall not make new placements with the Licensee;
3. The Licensee shall not provide Alternative Supervision as described in this Article; and
4. The Licensing Agency shall remove a Member from the Home if, in the judgment of the Department, there is reasonable belief that there is risk to the health, safety, or well-being of the Member.

E. In the event of a License revocation, suspension, or denial, the adverse action shall be effective:

1. Fifteen days after the date of the notice;
2. On the date that an administrative hearing officer or appeals board issues a written decision affirming the revocation, if the Licensee appeals the adverse action ; or
3. Immediately, if the Department determines, under A.R.S. § 41-1064(C), that the health, safety, or welfare of a Member is at risk.

F. An Applicant or Licensee may voluntarily withdraw the Application for a License or request the closure of the License at any time by submitting written notice to the Licensing Agency in the form and manner prescribed by the Department.

R6-6-1051. The Appeal Process

- A. An Applicant or Licensee shall have the right to appeal a denial, suspension, or revocation of a License following the process specified in Article 22 of this Chapter.
- B. If a License is under appeal, the Department or the Licensing Agency shall not make new placements until the appeal is resolved.
- C. The following actions are not appealable:

1. Restrictions or limits specified by the Department on the License, including the number, age group, or gender of Members that may be placed in the Home;
2. The imposition on the Licensee of a required Corrective Action Plan, as specified in this Article; and
3. An adverse action taken as a result of a Level One Fingerprint Clearance Card expiration, suspension, denial, or revocation.

**ARTICLE 11. ~~ADULT DEVELOPMENTAL HOME LICENSE~~ LIFE SAFETY
INSPECTION**

R6-6-1101. Application for License Definitions and Location of Definitions

- ~~A. Married or single persons desiring to be licensed as an adult developmental home shall make written application for a license to the Division on the prescribed forms.~~
- ~~B. The license applicant and any adult member of the household shall be fingerprinted for a criminal history record check as prescribed by the Division. Any adult living on the premises, not residing in the home, may be required to be fingerprinted for a criminal history record check.~~
- ~~C. The license applicant and any adult member of the household shall authorize the Division to perform a background check through Adult Protective Services and Child Protective Services referral files. Any adult living on the premises may be required to authorize a back-ground check through Adult Protective Services and Child Protective Services referral files.~~
- ~~D. The license applicant and all members of the license applicant's household shall participate in interviews with the Division and the home study process as required by the Division. The home study process shall include:
 - ~~1. Interviews with all members of the license applicant's household.~~
 - ~~2. Interviews with other knowledgeable parties as the Division determines appropriate.~~
 - ~~3. Inspection of the home and grounds by the Arizona Department of Health Services and the Division for compliance with this Article.~~~~
- ~~E. To be eligible for licensure as an adult developmental home provider, the license applicant shall:~~

1. ~~Be at least 21 years of age;~~
 2. ~~Have income or resources independent of the Division room and board payments to meet the needs of the license applicant's family unit;~~
 3. ~~Not have employment that conflicts with the care and supervision of adults placed by the Division;~~
 4. ~~Be of reputable and honest character; and~~
 5. ~~The license applicant shall submit documentation that each child living in the home has received the immunizations appropriate to the child's age and state of health unless the license applicant has submitted a signed statement that the children have not been immunized because of affiliation with a religion which is opposed to such immunizations or because the license applicant is opposed to such immunizations.~~
- F.** ~~The license applicant and members of the household shall cooperate with the Division in obtaining information regarding the license applicant or household members necessary to determine if the home meets licensing standards. Such cooperation shall include, but is not limited to:~~
1. ~~Providing releases of information;~~
 2. ~~Authorizing release of medical records; and~~
 3. ~~Submitting to psychological, psychiatric, drug testing, or other evaluations as required by the Division.~~
- G.** ~~The license applicant shall provide the Division with a minimum of three references who are familiar with the family and are not related to the license applicant by blood or marriage. The Division may contact the references for further information regarding the~~

~~license applicant's character and ability to care for individuals with developmental disabilities.~~

~~H. The Division may require the license applicant to submit references from current or previous employers.~~

~~I. All members of the household shall agree with the decision to be licensed as an adult developmental home.~~

~~J. The license applicant shall demonstrate an understanding of and the ability to meet the emotional, physical, social, developmental, educational, and intellectual needs of individuals with developmental disabilities.~~

~~K. The license applicant shall demonstrate the ability to provide encouragement, guidance, and support; to be sensitive to the needs of the individuals with developmental disabilities; and to protect individuals with developmental disabilities from harm.~~

~~L. The applicant shall not have any medical or emotional problems that may prevent the person from properly caring for adults with developmental disabilities or may negatively impact on clients in the home.~~

~~1. Following approval of the home study by the Division, the license applicant shall submit, on forms prescribed by the Division, written statements from a licensed medical practitioner for each adult living in the home. The statement shall include, at a minimum:~~

~~a. Confirmation that the physician has examined the adult within the last six months;~~

~~b. A description of the person's general physical and emotional health;~~

- e. ~~A list of all regularly prescribed medications and the purpose of the medication, and~~
 - d. ~~Identification of any medical or emotional problems that may prevent the person from caring for adults with developmental disabilities or may impact on clients in the home.~~
2. ~~The Division may require the license applicant to submit physician statements as described in this Section regarding the physical and emotional health of other adults living on the premises.~~
- M.** ~~The license applicant shall attend prelicensure training as required by R6-6-1105.~~

A. Location of definitions. The following definitions applicable to this Article are found in the following Section or Citation:

<u>“Adult Developmental Home”</u>	<u>A.R.S. § 36-551</u>
<u>“Agency”</u>	<u>R6-6-1101(B)</u>
<u>“Applicant”</u>	<u>R6-6-1101(B)</u>
<u>“Certified”</u>	<u>R6-6-1101(B)</u>
<u>“Child Developmental Certified Homes”</u>	<u>A.R.S. § 8-501</u>
<u>“Child Developmental Home”</u>	<u>A.R.S. § 36-551</u>
<u>“Department”</u>	<u>A.R.S. § 36-551</u>
<u>“Developmental Disability”</u>	<u>A.R.S. § 36-551</u>
<u>“Developmental Home”</u>	<u>R6-6-1101(B)</u>
<u>“Direct-care Worker”</u>	<u>R6-6-1101(B)</u>
<u>“Exotic”</u>	<u>R6-6-1101(B)</u>
<u>“Firearm”</u>	<u>A.R.S. § 13-3101</u>
<u>“Habilitation”</u>	<u>A.R.S. § 36-551</u>
<u>“Habilitation-Vendor Supported Developmental Home Services”</u>	<u>R6-6-1101(B)</u>
<u>“Hazard”</u>	<u>R6-6-1101(B)</u>
<u>“Home”</u>	<u>R6-6-1101(B)</u>
<u>“Home and Community Based Services” or “HCBS”</u>	<u>A.R.S. §36-2931</u>
<u>“Household”</u>	<u>R6-6-1101(B)</u>
<u>“Individual Receiving Care”</u>	<u>R6-6-1101(B)</u>
<u>“License”</u>	<u>R6-6-1101(B)</u>
<u>“Licensed Veterinarian”</u>	<u>A.R.S. § 32-2201</u>

<u>“Life Safety Inspection”</u>	<u>R6-6-1101(B)</u>
<u>“Lock”</u>	<u>R6-6-1101(B)</u>
<u>“Locked Storage”</u>	<u>R6-6-1101(B)</u>
<u>“Medication”</u>	<u>R6-6-1101(B)</u>
<u>“Member”</u>	<u>R6-6-1101(B)</u>
<u>“Planning Document”</u>	<u>R6-6-1101(B)</u>
<u>“Pool”</u>	<u>R6-6-1101(B)</u>
<u>“Qualified Vendor”</u>	<u>R6-6-1101(B)</u>
<u>“Quick Release Mechanism”</u>	<u>R6-6-1101(B)</u>
<u>“Safeguard”</u>	<u>R6-6-1101(B)</u>
<u>“Service Provider”</u>	<u>A.R.S. § 36-551</u>
<u>“Setting”</u>	<u>R6-6-1101(B)</u>
<u>“Skirting”</u>	<u>R6-6-1101(B)</u>
<u>“Slip-resistant Surface”</u>	<u>R6-6-1101(B)</u>
<u>“Toxic Substance”</u>	<u>R6-6-1101(B)</u>
<u>“Trigger Locked”</u>	<u>R6-6-1101(B)</u>

B. The following definitions apply to this Article:

1. “Agency” means an entity that has the legal authority to do business in the state of Arizona and intends to provide Home and Community Based Services (HCBS) as outlined in Article 15 of this Chapter. For the purposes of this Article, an Agency is a Service Provider.

2. “Applicant” means an individual or a married couple who applies for a License or to renew a License to operate a Developmental Home.
3. “Certified” means accredited by the Department to provide HCBS under Article 15 of this Chapter.
4. “Developmental Home” means a Child Developmental Home or an Adult Developmental Home.
5. “Direct-care Worker” means a person who is employed or contracted to provide primary personal care, guidance, or supervision to a Member in the Service Provider’s care.
6. “Exotic” means wildlife or offspring of wildlife not native to North America.
7. “Habilitation-Vendor Supported Developmental Home Services” means a service whereby a Qualified Vendor provides for the recruitment of Developmental Home providers; home studies; technical assistance, monitoring, support, and oversight of Developmental Home providers; and recommendation of licensing, re-licensing, or certification of child and Adult Developmental Home providers or Child Developmental Certified Home.
8. “Hazard” means a condition or situation that may cause or result in physical injury or illness to a child or vulnerable adult.
9. “Home” means the residence where an Applicant or Licensee lives.
10. “Household” means all individuals residing in a Licensee’s Home or on the premises.
11. “Individual Receiving Care” means a child or adult who receives or is eligible for the services listed in R6-6-1102.

12. “License” means the permission granted by the Department to legally operate a Developmental Home and includes an initial, renewed, provisional, and amended License.
13. “Life Safety Inspection” means an examination of the Premises by the Department to verify compliance with standards intended to Safeguard children and vulnerable adults from fire Hazards and from other Hazardous conditions.
14. “Lock” means a device operated by a key, combination, magnet, keycard, or biometric function to Safeguard Medications, swimming Pools, Firearms, and highly Toxic Substances.
15. “Locked Storage” means a container, cabinet, or closet secured with a Lock and used for the purposes of storing items as required by this article.
16. “Medication” means both prescription and over-the-counter remedies approved as drugs by the United States Food and Drug Administration and commercially available vitamins and supplements.
17. “Member” means the same as “Client” in A.R.S. § 36-551.
18. “Planning Document” means a written statement of services to be provided to a Member, including Habilitation goals and objectives, that is developed following an initial eligibility determination and revised after periodic reevaluations.
19. “Pool” means any natural or manmade body of water that:
 - a. Could be used for swimming, recreational, agricultural, or decorative purposes;

- b. Is greater than 18 inches in depth; and
 - c. Includes swimming Pools, spas, hot tubs, fountains, and ponds.
- 20. “Qualified Vendor” means a provider of community Developmental Disability services that has applied for Qualified Vendor Status, meets the criteria for Qualified Vendor status, and has entered into a Qualified Vendor Agreement with the Division.
- 21. “Quick Release Mechanism” means a Lock that can be opened from inside the Setting without special knowledge such as a combination, or equipment such as a key.
- 22. “Safeguard” means to take reasonable measures to eliminate the risk of harm to an Individual Receiving Care. Where a specific method is not otherwise prescribed in this Article, Safeguarding may include:
 - a. Locking up a particular substance or item;
 - b. Putting a substance or item out of reach;
 - c. Erecting a barrier that prevents an Individual Receiving Care from reaching a particular place, item, or substance;
 - d. Using protective safety devices; or
 - e. Providing supervision.
- 23. “Setting” means:
 - a. The Home or building used to provide care or supervision; and
 - b. The surrounding property and buildings that are owned, leased, or controlled by the Qualified Vendor, Direct-care Worker, or Agency.

24. “Skirting” means a barrier around the base of a Home that is intended to protect utility connections from damage or unauthorized contact.
25. “Slip-resistant Surface” means flooring that provides friction to help prevent falls when the surface is wet.
26. “Trigger Locked” means a method to render a Firearm temporarily or permanently inoperable by blocking the firing or discharge mechanism for the Firearm with a locked device.
27. “Toxic Substance” means a chemical or mixture that presents unreasonable risk and/or injury to health or the environment.

R6-6-1102. ~~Issuing an Initial License~~ Applicability

- ~~A. The license applicant shall comply with the requirements of this Article.~~
- ~~B. Except as provided in R6-6-1104(C), a regular license is effective for one year from the date of issuance.~~
- ~~C. Based upon records, reports, and observations, if the Division determines that the license applicant may be unable to meet the physical or emotional needs of clients, the Division may require further psychological or physical evaluations, at no expense to the license applicant, to determine whether a license shall be denied.~~
- ~~D. A regular license to provide adult developmental home services is not transferable and is valid only for the licensee and the address stated on the license.~~
- A. This Article applies to:
1. Developmental Homes regulated under Article 10 of this Chapter;
 2. Child Developmental Certified Homes regulated under Article 10 of this Chapter;
- and

3. Settings providing HCBS for individuals with Developmental Disabilities which are regulated under Article 15 of this Chapter, when the service is provided in a Setting that is not the Home of the Individual Receiving Care.

B. This Article does not apply to group homes licensed under A.R.S. § 36-132(A)(21).

R6-6-1103. ~~Issuing a Renewal License~~ General Condition and Cleanliness of the Setting

A. ~~A regular license is renewable annually for a one-year period.~~

B. ~~The Division shall renew an adult developmental home regular license when:~~

- ~~1. The licensee has met the annual training requirements according to R6-6-1105;~~
- ~~2. The home meets the requirements of R6-6-1101 except as noted in this subsection:~~
 - ~~a. The licensee shall submit a written statement every three years from the date of initial license from a licensed medical practitioner as required by R6-6-1101(M);~~
 - ~~b. References are not required for license renewal;~~
 - ~~c. The adult developmental home shall receive a health inspection from the Department of Health Services every three years prior to license renewal unless otherwise indicated by this Article;~~
- ~~3. Any person fingerprinted pursuant to R6-6-1101(B) and still residing in the home or on the premises shall have a criminal history record check every three years.~~

C. ~~Based upon records, reports, and observations, if the Division determines that the license applicant for license renewal may be unable to meet the physical or emotional needs of adults with developmental disabilities, the Division shall have the authority to require~~

~~further psychological or physical evaluations at no expense to the developmental home provider to determine whether to renew a license.~~

D. ~~A license to provide adult developmental home services is not transferable and is valid only for the licensee and the address stated on the license.~~

The Service Provider shall ensure:

1. The interior and exterior of the Setting are maintained in good repair and do not constitute a Hazard. Damage that constitutes a Hazard includes:
 - a. Broken glass;
 - b. Surfaces that are rusted, have sharp or jagged edges, or have nails protruding;
 - c. Holes in walls, ceilings, doors, or floors; or
 - d. Broken furniture, fixtures, appliances, or equipment.
2. The interior of the Setting is clean, sanitary, and disinfected to prevent, minimize, and control illness, infection, or injury.
3. Play areas and therapy equipment are stable, in good repair, and do not constitute a hazard.
4. The Setting is clean to the degree that the condition does not constitute a Hazard. Conditions that constitute a Hazard include:
 - a. Rotting food.
 - b. Stale or accumulated urine or feces, or
 - c. An accumulation of mold.
5. Garbage is removed from the Setting at least once each week.

6. The Setting and outside play areas are free of insect and rodent infestation, or the Setting has an ongoing system to eliminate insects or rodents.
7. Water in a Pool on the Premises is maintained, is not stagnant, and is clear enough to see through the water to the bottom surface of the Pool.
8. Swing sets are securely anchored to the ground.
9. Excessive weeds and brush that pose a fire hazard are trimmed or removed.

R6-6-1104. Issuing a Provisional License Safeguarding of Hazards

- ~~A. The Division may issue a provisional license for up to six months when:~~
- ~~1. The license applicant is temporarily unable to meet the requirements of this Article, and~~
 - ~~2. The Division is satisfied that the listed deficiencies can be corrected within six months or less by the license applicant.~~
- ~~B. When conditions exist which could endanger the health or safety of adults with developmental disabilities, the Division shall not issue a provisional license pursuant to A.R.S. § 36-592.~~
- ~~C. When the license applicant has met the requirements of the provisional license and a regular license is issued, the regular license is valid for one year from the date the Division issued the provisional license.~~
- ~~D. A provisional license to provide adult developmental home services is not transferable and is valid only for the licensee and the address stated on the license.~~

The Qualified Vendor or Direct-care Worker shall ensure:

1. Highly Toxic Substances and materials are kept in Locked Storage. Highly Toxic Substances include:

- a. Gasoline;
 - b. Lighter fluid;
 - c. Pesticides;
 - d. Radiator fluid;
 - e. Drain cleaner;
 - f. Ammonia;
 - g. Bleach;
 - h. Spray paint;
 - i. Pool chemicals;
 - j. Turpentine; and
 - k. Other substances that can cause serious bodily harm or death if improperly used.
2. Toxic Substances not included in (1) of this section are maintained in Locked Storage unless the following criteria are met:
- a. The Toxic Substances are Safeguarded to prevent improper use; and
 - b. All Members receiving care in the Setting are specified in their Planning Documents to be able to access the Toxic Substances.
3. Household cleaning supplies are Safeguarded to prevent unsafe or improper use.
Household cleaning supplies include:
- a. Spray cleaners;
 - b. Laundry detergent;
 - c. Furniture polish; and
 - d. Dishwasher detergent.

4. Access to personal grooming supplies is not restricted unless the Planning Document for an Individual Receiving Care specifically restricts such access.

Personal grooming supplies include:

 - a. Toothpaste;
 - b. Hand-soap;
 - c. Shampoo;
 - d. Deodorant; and
 - e. Menstrual products.
5. Weapons including crossbows, bows, arrows, stun guns, tasers, air guns, paint guns, hunting knives, and survival knives are kept in Locked Storage to prevent unsafe or improper use.
6. Firearms are unloaded, Trigger Locked or rendered inoperable, and kept in a Locked Storage container that is made of unbreakable material.
7. Ammunition is maintained in Locked Storage that is separate from Firearms.
8. All dogs older than six months have current rabies vaccination administered by a Licensed Veterinarian and the vaccination records are maintained in the Setting.
9. Animals kept in the Setting or on the property do not pose a Hazard due to behavior or disease. If an animal displays signs of aggressive or abnormal behavior or disease, the Department may require an assessment by a Licensed Veterinarian to determine whether the animal poses a Hazard.
10. Exotic, venomous, or constricting animals are not kept on the Premises.
11. Ramps, bathtubs, and showers have Slip-resistant Surfaces.
12. Handrails and grab-bars are securely attached and stationary.

13. Skirting is intact around the base of the Setting, if the underside of the Home is accessible.

14. That the home maintains first aid supplies.

R6-6-1104.01. Time-Frame for Granting or Denying a License Repealed

~~For the purpose of A.R.S. § 41-1073, the Division establishes the following licensing time-frames:~~

~~1. Administrative completeness review time-frame:~~

~~a. For an initial license, 90 days;~~

~~b. For a renewal license, 30 days; and~~

~~c. For an amended license, 30 days.~~

~~2. Substantive review time-frame:~~

~~a. For an initial license, 30 days;~~

~~b. For a renewal license, 31 days; and~~

~~c. For an amended license, 10 days.~~

~~3. Overall time-frame:~~

~~a. For an initial license, 120 days;~~

~~b. For a renewal license, 61 days; and~~

~~c. For an amended license, 40 days.~~

R6-6-1104.02. Administrative Completeness and Substantive Review Process

Repealed

~~A. The Division shall send the license applicant a written notice within the administrative completeness review time-frame indicating that the application package is either complete or incomplete.~~

- B.** ~~If the application package is incomplete, the Division shall list the missing information in the notice and ask the license applicant to supply the missing information within 60 days from the date of notice. If the license applicant fails to do so, the Division may close the file.~~
- C.** ~~A license applicant whose file has been closed and who later wishes to become licensed may reapply to the Division. The administrative completeness time-frame starts over when the Division receives the written request to reapply.~~
- D.** ~~When the application is complete, the Division shall complete a substantive review of the license applicant's qualifications. The Division shall:~~
- ~~1. Review the application form and all required documents to ensure compliance with this Article;~~
 - ~~2. Complete a home study as prescribed in R6-6-1101(D), and~~
 - ~~3. Gather additional information needed to determine the license applicant's fitness to serve as an Adult Developmental Home service provider and ability to comply with Adult Developmental Home requirements, which may include:~~
 - ~~a. Interviewing the license applicant;~~
 - ~~b. Contacting references;~~
 - ~~c. Verifying information provided in the application;~~
 - ~~d. Visiting the license applicant's home; and~~
 - ~~e. Requesting additional information, assessments, or tests as prescribed in R6-6-1101(F) and R6-6-1103(C).~~
- E.** ~~If a license is denied, the Division shall send a notice to the license applicant as prescribed in R6-6-1118(F) and A.R.S. § 41-1076.~~

~~F. An applicant shall submit a license application package to DES/DDD, P.O. Box 6123, Site Code 791A, Phoenix, Arizona 85005-6123, Attention: Developmental Home Licensing Unit.~~

R6-6-1104.03. ~~Contents of a Complete Application Package - Initial License~~

Repealed

~~An initial application package is complete when the Division has all of the following information:~~

- ~~1. From the license applicant, a completed application form as prescribed in R6-6-1101(A) which contains the following information:~~
 - ~~a. Personally identifying information, as follows:~~
 - ~~i. Name and gender,~~
 - ~~ii. Date and place of birth,~~
 - ~~iii. Social security number,~~
 - ~~iv. Ethnicity and religious preference,~~
 - ~~v. Current and previous address,~~
 - ~~vi. Dates resided at previous address,~~
 - ~~vii. Length of Arizona residency,~~
 - ~~viii. Current marital status and marital history, and~~
 - ~~ix. Any other names by which the license applicant has been known.~~
 - ~~b. Personally identifying information on the license applicant's household members, as follows:~~
 - ~~i. Name,~~
 - ~~ii. Gender,~~

- iii. ~~Date of birth;~~
 - iv. ~~Relationship to license applicant, and~~
 - v. ~~Length of time living in the home.~~
- e. ~~Personally identifying information on the license applicant's children who do not live with the license applicant, including emancipated children, as follows:~~
 - i. ~~Name;~~
 - ii. ~~Current address;~~
 - iii. ~~Date of birth; and~~
 - iv. ~~Occupation or school, if currently attending.~~
- d. ~~Any current or prior licenses or certificates held by the license applicant to provide care to a child or adult, as follows;~~
 - i. ~~Type of license or certificate;~~
 - ii. ~~Date of each license and certificate;~~
 - iii. ~~State in which each license or certificate was issued;~~
 - iv. ~~Any license or certificate which was revoked, denied, voluntarily surrendered, or suspended and the circumstances; and~~
 - v. ~~Name of any other agency with which the license applicant is currently licensed or certified to provide services to children or adults.~~
- e. ~~A description of the license applicant's home, as follows:~~
 - i. ~~The name of the school district in which the license applicant's home is located;~~

- ii. ~~Identification and description of any swimming pool, spa, fish pond, or other body of water; and~~
 - iii. ~~Number of bedrooms.~~
- f. ~~Information about the license applicant, as follows:~~
 - i. ~~Educational background;~~
 - ii. ~~Employment history;~~
 - iii. ~~Previous experience in providing room and board for any person;~~
 - iv. ~~Any contact with CPS or APS and the circumstances;~~
 - v. ~~Any arrest and the circumstances;~~
 - vi. ~~Any history of mental illness or treatment for a mental illness or emotional disorder including hospitalization for alcohol, drug, or mental health issues and the circumstances;~~
 - vii. ~~If currently or previously employed by the Department of Economic Security or the Division, position, title, name of the supervisor, and name of the program;~~
 - viii. ~~The reason for wanting to provide care to an adult;~~
 - ix. ~~Gender, age, characteristics, and special needs of the individual the license applicant would prefer to take into the home;~~
 - x. ~~Any experience caring for individuals who have special needs;~~
 - xi. ~~Discipline techniques used or believed appropriate; and~~
 - xii. ~~Anticipated changes in the license applicant's family in the next 12 months.~~
- g. ~~Information about the license applicant's household member, as follows:~~

- i. ~~Any contact with CPS or APS by anyone currently or formerly residing with the license applicant and the circumstances;~~
 - ii. ~~Any arrests and the circumstances;~~
 - iii. ~~Any history of mental illness or treatment for a mental illness or emotional disorder including hospitalization for alcohol, drug, or mental health issues and the circumstances;~~
 - iv. ~~If currently or previously employed by the Department of Economic Security or the Division, position, title, name of the supervisor, and name of the program;~~
 - v. ~~Any experience caring for individuals with special needs; and~~
 - vi. ~~Discipline techniques used or believed appropriate.~~
 - h. ~~Reference information for the license applicant, as follows:~~
 - i. ~~Three references who can attest to the license applicant's character and skill; and~~
 - ii. ~~If the license applicant is working or has worked with children or adults with developmental disabilities, one employment reference;~~
 - i. ~~List of any individuals who live on the property on which the license applicant's home is located, but not in the license applicant's home.~~
2. ~~From the license applicant, the following documents listed on the application form:~~
- a. ~~A completed declaration of criminal history for the license applicant and each adult household member on a Division form with the following information:~~

- i. ~~Name;~~
 - ii. ~~Social security number;~~
 - iii. ~~Date of birth;~~
 - iv. ~~Address;~~
 - v. ~~A declaration of whether the individual has committed any of the crimes listed in A.R.S. § 36-594(3) and R6-6-1118, and~~
 - vi. ~~Dated signature.~~
- b. ~~Documentation showing that the license applicant and each adult household member have been fingerprinted;~~
 - c. ~~Documentation showing that the license applicant has a current driver's license, and current vehicle liability insurance as pre-scribed in R6-6-1112(A);~~
 - d. ~~A completed monthly budget on a Division form showing the license applicant's monthly income, and monthly expenses, and the circumstances for any declaration of bankruptcy;~~
 - e. ~~A physician's statement for the license applicant and each adult household member as prescribed in R6-6-1101(L);~~
 - f. ~~Documentation of current immunizations for each child living in the license applicant's home as prescribed in R6-6-1101(E)(5);~~
 - g. ~~Documentation that the license applicant has completed training as prescribed in R6-6-1105(A).~~
3. ~~From sources other than the applicant, the documents listed on the application form, as follows:~~

- a. ~~Three letters of reference for the license applicant as prescribed in R6-6-1101(G);~~
- b. ~~If the license applicant works with children or adults with developmental disabilities, one employment letter of reference as prescribed in R6-6-1101(H);~~
- c. ~~Documentation that the license applicant and each adult household member have had a criminal history check as prescribed in R6-6-1101(B);~~
- d. ~~Documentation showing that the license applicant's home has passed:~~
 - i. ~~A fire inspection as prescribed in R6-6-1111(E), and~~
 - ii. ~~A health and safety inspection as prescribed in R6-6-1111(D);~~
- e. ~~Documentation that vehicles used for transporting individuals with developmental disabilities have passed a Division safety inspection to meet the safety requirements in R6-6-1112(B); and~~
- f. ~~Documentation that the CPS/APS Central Registry has been checked as prescribed in R6-6-1101(C);~~

R6-6-1104.04. ~~Contents of a Complete Application Package - Renewal License~~
Repealed

~~A license renewal application package is complete when the Division has all the following information:~~

- 1. ~~From the license applicant, a completed renewal application form as prescribed in R6-6-1101(A) which contains the following information:~~
 - a. ~~Personally identifying information, as follows:~~
 - i. ~~Name;~~

- ii. ~~Address, and~~
 - iii. ~~Phone number.~~
 - b. ~~Personally identifying information on the license applicant's household members, as follows:~~
 - i. ~~Name,~~
 - ii. ~~Gender,~~
 - iii. ~~Age,~~
 - iv. ~~Relationship to the license applicant, and~~
 - v. ~~School or occupation.~~
 - c. ~~Personally identifying information on the license applicant's children who do not live with the license applicant, including emancipated children, as follows:~~
 - i. ~~Name,~~
 - ii. ~~Age,~~
 - iii. ~~Address, and~~
 - iv. ~~Occupation or school, if currently attending.~~
 - d. ~~Information about the license applicant, as follows:~~
 - i. ~~Any arrest or investigation for a criminal offense, including charge, and arresting agency;~~
 - ii. ~~Any referral to or treatment for a psychiatric or psychological problem, including substance abuse, in the last year.~~
 - e. ~~Information about the license applicant's household member, including:~~

- ~~i. Any arrest or investigation for a criminal offense, including charge, and arresting agency;~~
 - ~~ii. Any referral to or treatment for a psychiatric or psychological problem, including substance abuse, treatment in the last year.~~
 - ~~f. Any current or prior license or certificate held by the license applicant to provide care to a child or adult, as follows:~~
 - ~~i. Type of license or certificate;~~
 - ~~ii. Date of each license and certificate;~~
 - ~~iii. State in which the license or certificate was issued;~~
 - ~~iv. Any license or certificate which was revoked, denied, voluntarily surrendered, or suspended and the circumstances; and~~
 - ~~v. Name of any other agency with which the license applicant is currently licensed or certified to provide services to children or adults.~~
 - ~~g. List of any individuals who live on the property on which the license applicant's home is located, but not in the license applicant's home;~~
 - ~~h. List of the household members and their relationship to the applicant and to each other;~~
 - ~~i. Any changes that should be made to the license conditions;~~
 - ~~j. Dated signature.~~
- ~~2. From the license applicant, the items listed in R6-6-1104.03(2)(c), (2)(d), (2)(f), and the following:~~

- a. ~~A completed declaration of criminal history for each new adult household member and, at three-year intervals, a completed declaration for all adult household members;~~
 - b. ~~Documentation showing that each new adult household member has been fingerprinted and, at three-year intervals, that all adult household members have been fingerprinted;~~
 - e. ~~A physician's statement every three years from the date of the initial license for the license applicant and all adult household members; and~~
 - d. ~~Documentation that the license applicant has completed training as prescribed in R6-6-1105(B).~~
3. ~~From sources other than the applicant, the documents listed in R6-6-1104.03(3)(d)(i), (3)(e), and (3)(f) and the following:~~
- a. ~~Documentation that each new adult household member has had a criminal history check and that all adults household members have had a criminal history check every three years; and~~
 - b. ~~Documentation that the license applicant's home has passed a health and safety inspection every three years since the date of the initial license.~~

R6-6-1104.05. ~~Contents of a Complete Request for an Amended License~~ Repealed

~~A request for an amended license is complete when the Division has the following:~~

- 1. ~~A description of the change requested to the license, and~~
- 2. ~~Documentation that the requested change complies with this Article.~~

R6-6-1105. ~~Training Requirements for Adult Developmental Home Providers~~ Storage of Medication

- ~~A.~~** ~~An applicant for an initial license as an adult developmental home provider shall meet the following training requirements:~~
- ~~1. Prelicensing training in the following subjects:~~
 - ~~a. Cardiopulmonary resuscitation appropriate for children and adults provided by an instructor certified in cardiopulmonary resuscitation;~~
 - ~~b. First aid provided by an instructor certified in first aid; and~~
 - ~~c. Orientation training of 12 to 20 hours, as prescribed by the Division.~~
 - ~~2. Up to ten additional hours of training based upon the needs of the license applicant or the adult placed by the Division, as determined by the Division.~~
- ~~B.~~** ~~The licensee shall annually complete a minimum of ten hours of training, as required by the Division, prior to license renewal and must maintain cardiopulmonary resuscitation and first aid certifications obtained for the initial license. Up to four hours of the annual training may be allowed for training related to maintenance of certificates.~~
- ~~C.~~** ~~The licensee shall participate in additional training, as required by the Division, based upon the specific needs of the license applicant or licensee or an adult placed by the Division or shall demonstrate the ability to meet the needs of the specific client.~~
- ~~D.~~** ~~The license applicant or licensee shall submit documentation to the Division demonstrating satisfactory completion of the training requirements.~~

The Qualified Vendor or Direct-care Worker shall ensure:

- 1. Medication is maintained in Locked Storage, with the exception of the following:

- a. Medication that may be accessed by an Individual Receiving Care in a Developmental Home and as specified in that Member's Planning Document; and
- b. Medication that needs to be readily and immediately accessible, such as an asthma inhaler or Epi-pen.
2. Medication that may be unlocked under subsection (1)(a) or (1)(b) is Safeguarded to prevent improper use. Medication may be unlocked under subsection (1)(a) only if all Individuals Receiving Care in the Setting are eligible to have unlocked access to Medications.
3. Medication that needs to be refrigerated is Safeguarded in Locked Storage within the refrigerator, without preventing access to refrigerated food.

R6-6-1106. ~~Adult Developmental Home Licensee Responsibility~~ Safe Appliances

- ~~A. The licensee shall provide the client with positive emotional support and guidance including but not limited to:~~
- ~~1. Including the client in daily activities;~~
 - ~~2. Providing the client with positive reinforcement;~~
 - ~~3. Assisting the client with day-to-day concerns with school, work, friends, and family;~~
 - ~~4. Providing appropriate care, concern, and support;~~
 - ~~5. Protecting the client from exploitation; and~~
 - ~~6. Assisting the client in developing and fostering personal relationships.~~

- B.** ~~The licensee shall follow written and verbal instructions and orders from qualified professionals regarding the medical, dental, habilitation, and therapeutic needs of the client.~~
- C.** ~~The licensee shall provide opportunities for social and physical development appropriate to the client's abilities and interest, through recreation and leisure-time activities.~~
- D.** ~~The licensee shall provide opportunities for the client to pursue the client's own religious beliefs. The licensee shall not require the client to attend or participate in the licensee's religious activities or practices.~~
- E.** ~~The licensee shall develop an agreement with the client for shared household tasks which do not present a health or safety hazard and do not interfere with the client's school, work, day programs, or recreational activities.~~
- F.** ~~The licensee and any client who smokes tobacco products shall develop mutually acceptable rules regarding the smoking of tobacco products.~~
- G.** ~~The licensee shall provide appropriate direction in the selection of clothing while allowing individual choice.~~
- H.** ~~In cooperation with the client, the licensee shall plan and provide well-balanced and adequate meals to meet the nutritional needs of the client.~~
- I.** ~~The licensee shall ensure transportation is arranged to meet the educational, employment, medical, habilitative, therapeutic, and social needs of the client.~~
- J.** ~~The licensee shall make reasonable efforts to support and maintain the client's relationships with parents, guardians, other family members, and other persons important to the client's life as indicated in the ISPP.~~

- ~~K. The licensee shall ensure that money designated for or earned by the client is only used for the specific purpose intended and for the benefit of the client consistent with the Individual Spending Plan.~~
- ~~L. The licensee shall ensure that the client is provided opportunities to make choices regarding the client's own spending money.~~
- ~~M. The licensee shall not provide residential care or respite services to children in the adult developmental home.~~
- ~~N. The licensee shall provide care only for the number of clients and conditions listed on the license.~~
- ~~O. The licensee shall obtain approval from the Division before accepting placements from other agencies or private parties.~~
- ~~P. When the licensee also provides respite services, the licensee shall ensure that the respite placement is within the conditions stated on the license.~~
- ~~Q. The licensee shall not accept roomers or boarders without prior approval of the Division.~~
- ~~R. The licensee shall treat information concerning a client placed in the licensee's home and the client's family or guardian as confidential in accordance with A.R.S. § 36-568.~~
- ~~S. When the client is attending school, the licensee shall encourage and promote the educational development of the client by participating in the IEP meetings, unless otherwise specified by the Division, and by advocating for the implementation of the IEP.~~
- ~~T. The licensee shall participate in the ISPP meetings, shall carry out the tasks identified by the ISPP team as being the responsibility of the licensee, and shall advocate for the implementation of the ISPP.~~

- ~~U. The licensee shall cooperate with the Division when a client moves from the adult developmental home. The licensee shall:~~
- ~~1. Provide information including records of the client's medical and dental history, educational experience, and progress on ISPP activities.~~
 - ~~2. Ensure personal belongings such as usable clothing, furniture, television sets, bicycles, the personal record, and other items purchased specifically for the client go with the client.~~
 - ~~3. Assist the Division in preparing the client for the move.~~
- ~~V. The licensee shall assist the client in maintaining an inventory of the client's personal property such as furniture, bicycles, radios, television sets, and adaptive equipment.~~
- ~~W. The licensee shall comply with the terms of the Adult Developmental Home Agreement.~~

The Qualified Vendor or Direct-care Worker shall ensure:

1. Safe and functioning appliances are available for food refrigeration and cooking.
 - a. Refrigerators used to store perishable food shall maintain food at a temperature of 45° F or below; and
 - b. An outdoor cooking appliance that uses charcoal or gas shall not be used indoors.
2. Electrical lighting is available in bedrooms, living areas, and rooms used to provide services.
 - a. Lighting is sufficient to perform normal activities; and
 - b. Light sockets are equipped with light bulbs or are safely covered to prevent electrical shock.

3. Adequate heating, cooling, and ventilation are available in bedrooms, living areas, and rooms used to provide services. Indoor temperatures outside the range of 65° - 85° F are indicators of inadequate heating or cooling.
4. At least one operable phone is available in the Setting at all times when services are being provided.
5. If the Setting has a clothes dryer, the dryer is safely vented with a non-flammable vent hose, and there is not an accumulation of clothes, garbage, or other flammable materials around or behind the dryer.
6. If a portable heater is in the Setting, it has a protective covering to keep hands and objects away from the heating element and, it is:
 - a. Electric;
 - b. Underwriter's Laboratories, Inc. (UL) or Factory Mutual (FM) approved;
 - c. Equipped with a tip-over shut-off switch;
 - d. Placed at least three feet from curtains, paper, furniture, and any flammable object when in use;
 - e. Not used as the primary source of heat in the Setting; and
 - f. Not used in bedrooms.
7. If the Setting has an appliance or heating device using combustible fuel such as gas, oil, kerosene, wood, pellets, or charcoal or an attached garage used for storing vehicles, a carbon monoxide detector is installed on all levels of the Home.

R6-6-1107. ~~Behavior Management~~ Electrical Safety

- A.** ~~The licensee shall comply with the Division requirements for behavior management as specified in Article 9.~~
- B.** ~~The licensee shall establish, with the client, house rules for sharing the living environment which are appropriate to the life experience and individuality of each client.~~
- ~~1. The licensee and the client shall develop and implement a fair and reasonable process for resolving disputes.~~
 - ~~2. The licensee shall contact the Division if a dispute cannot be resolved.~~
 - ~~3. The licensee shall not deprive the client of meals, shelter, or medical care.~~
 - ~~4. The licensee shall not allow any form of corporal or physical punishment.~~
 - ~~5. The licensee shall not allow the use of verbal abuse or derogatory remarks.~~
 - ~~6. The licensee shall identify and report to the Division behavioral issues which may impact the health, safety, or training needs of the client.~~

The Qualified Vendor or Direct-care Worker shall ensure:

1. Electrical cords are in good condition and no broken or frayed cords are in use.
2. Electrical panels and outlets are unobstructed and in good condition, no wiring is exposed, and covers are in place.
3. Extension cords are not used on a permanent basis.
4. Electrical outlets are not overloaded.
5. Major appliances are plugged directly into grounded outlets. Major appliances include refrigerators, freezers, dishwashers, stoves, ovens, washers, and dryers.
6. Mid-sized appliances, which include computers, televisions, and stereo equipment, are plugged into:

- a. Grounded outlets; or
- b. Power strips or surge protectors that are plugged into grounded outlets.

R6-6-1108. ~~Sleeping Arrangements~~ Water and Plumbing Requirements

~~The licensee shall provide appropriate, comfortable, safe, and private sleeping arrangements for each client.~~

- ~~1. Clients shall have their own beds and places to store clothing in the bedroom and a place for storing personal belongings.~~
 - ~~2. The client's bedrooms shall not be unfinished rooms, hallways, or rooms which are normally used for other than sleeping arrangements by family members.~~
 - ~~3. A client shall not share a bedroom with another person unless each person agrees to the arrangement and each client has a separate bed and space for storing clothing in the bedroom and a place for storing personal belongings.~~
 - ~~4. A client shall not share a bedroom with a person of the opposite sex unless otherwise specified in the ISPP.~~
 - ~~5. An adult client and a child shall not share a bedroom.~~
 - ~~6. The licensee shall sleep within hearing distance of the client if indicated by the needs of the client.~~
- A.** The Qualified Vendor or Direct-care Worker shall ensure that a continuous source of safe drinking water is available to Individuals Receiving Care.
- B.** If the Setting has a non-municipal source of water:
- 1. The Qualified Vendor or Direct-care Worker shall provide evidence that a sample of the drinking water was submitted to a water testing laboratory approved by the Arizona Department of Health Services as part of the initial inspection process

and every two years after that. The water analysis shall indicate that the water is within acceptable state and federal standards for drinking water.

2. If the water sample does not meet the criteria in (B)(1) of this section, the Qualified Vendor or Direct-care Worker shall, within 10 days of receiving the results, provide the Department notification in the form of a signed, written statement that:

a. Certifies that Individuals Receiving Care will be provided with safe drinking water, and

b. Describes the Qualified Vendor or Direct-care Worker's plan for obtaining safe drinking water.

C. The Qualified Vendor or Direct-care Worker shall ensure that the sewage disposal for the Setting is functioning. If the Setting has a septic tank, the Qualified Vendor or Direct-care Worker shall ensure that it is in good working order, with no visible signs of leakage on the ground.

D. The Qualified Vendor or Direct-care Worker shall ensure the hot water temperature does not exceed 120° F.

E. The Qualified Vendor or Direct-care Worker shall ensure that at least one working toilet and wash basin is available for every 10 individuals living, working, or receiving care in the Setting at the same time.

F. If overnight care is provided, the Qualified Vendor or Direct-care Worker shall ensure that at least one working shower or tub is available for every eight individuals living, working, or receiving care in the Setting at the same time.

R6-6-1109. ~~Notification Requirements~~ Fire Safety and Evacuation Requirements

A. ~~The licensee shall notify the Division of the following events:~~

- ~~1. Prior to building an addition to the home or structural remodeling of the home, or adding a swimming pool or spa, and shall cooperate with the Division in obtaining an Arizona Department of Health Services inspection as prescribed in A.R.S. § 8-504 for any home additions.~~
- ~~2. Changes in marital status or living arrangement of the licensee.~~
- ~~3. A plan to make a change in residence.~~
- ~~4. Known arrests, indictments, or convictions of any house hold member or of persons living on the premises.~~
- ~~5. Serious injury, major illness, illegal substance use or substance abuse, suicidal behavior, attempted suicide, or death of any house hold member. The Division may require the licensee to provide written documentation from a physician regarding the change in medical status.~~
- ~~6. Changes which may impact on the ability of the licensee to meet the needs of the client.~~
- ~~7. Notification shall be made to the Division prior to the addition of a household member.~~
- ~~8. A temporary visitor staying more than one month.~~
- ~~9. The licensee shall notify the Division prior to a change in primary caregiver or a person moving from the household who contributed to the care of the client.~~

B. ~~For adults placed by the Division in the licensee's home, the licensee shall notify the Division of incidents including but not limited to:~~

- ~~1. Possible abuse or neglect as per A.R.S. § 13-3620 and R6-6-1601.~~
 - ~~2. Hospitalizations, the intervention of a medical practitioner, or emergency medical care as a result of serious illness, injury, medication errors, or suicidal behavior.~~
 - ~~3. Death of the client.~~
 - ~~4. A client missing. A client missing must be reported to law enforcement officials and the Division as soon as the client is determined to be missing.~~
 - ~~5. Theft of money or property.~~
 - ~~6. Incidents which have involved or may potentially involve the police or media.~~
 - ~~7. Significant damage to client property, licensee property, state property, or the property of others.~~
 - ~~8. Illegal substance use or substance abuse.~~
- ~~C. The licensee shall obtain Division prior approval for alternative supervision plans.~~
- ~~1. The licensee shall involve the client in the development of alternative supervision plans.~~
 - ~~2. The licensee shall ensure that alternative supervision is only provided by persons 18 years of age or older.~~

The Qualified Vendor or Direct-care Worker shall ensure:

1. Flammables and combustibles are stored more than three feet from water heaters, furnaces, portable heaters, fireplaces, and wood-burning stoves.
2. If the Setting has a working fireplace or wood-burning stove, the fireplace or wood-burning stove is protected by a fire screen.
3. A functioning fire extinguisher with an unexpired tag and with a rating of “2A 10BC” or greater is available near the kitchen area. If the Setting has multiple

levels, at least one functioning fire extinguisher with a rating of “2A 10BC” or greater is available on each level.

4. A UL approved and working smoke detector is installed:
 - a. In the main living or program area of the Setting;
 - b. In each bedroom, if overnight care is provided; and
 - c. On each level of a multiple-level Setting.
5. A written emergency evacuation plan is developed to provide guidance on the safe and rapid evacuation of the Home or building used to provide care or services. An emergency evacuation plan shall:
 - a. Identify at least two exits from the Home or building used to provide care or services.
 - b. Identify two exits from each bedroom used by individuals residing in or receiving care in the Setting.
 - i. At least one of the exits for these bedrooms shall lead directly to the outside of the Setting.
 - ii. The primary exit shall be a path through the Setting leading to a door that leads directly outside.
 - iii. The secondary exit shall be a door or window that opens directly to the outside from within the bedroom.
 - iv. An exit route through an overhead garage door shall not be accepted as a primary or secondary exit.
 - c. Identify the location of fire extinguishers and any fire evacuation equipment, and emergency lighting, as applicable.

- d. Designate a safe meeting place outside the Setting.
 - e. Be maintained in the Setting to review with individuals residing in or receiving care in the Setting.
 - f. Identify two exits in the basement used to provide services, if applicable.
Both exits shall be fully accessible to all Individuals Receiving Care.
 - g. Be reviewed with a Member within 72 hours of placement in the Setting and be posted in a prominent place in the Setting.
 - h. Include the placement of equipment that can be safely used by Members residing in each upstairs bedroom that has been identified with fire exits.
6. Settings authorized to provide care or services to Members shall practice and document the completion of an evacuation drill at least once every three months.
7. The exit routes for the Setting are clear of obstruction that could prevent safe and rapid evacuation.
8. The locks on exterior doors and windows, including the front door, screen doors, and bars on windows, are equipped with a Quick Release Mechanism. The Department may grant an exception to this requirement for a double-key deadbolt on a door if:
- a. There is breakable glass within 40 inches of the interior Locking mechanism;
 - b. There is another exit with a Quick Release Mechanism on the same level of the Setting; and
 - c. The key for the deadbolt is permanently maintained in a location that is:
 - i. Within six feet of the Locking mechanism;

- ii. Accessible to all Household Members;
 - iii. Reviewed with individuals residing in or receiving care in the Setting; and
 - iv. Identified on the emergency evacuation plan, specified in subsection (5).
- 9. The address for the Setting is posted and visible from the street, or the local emergency response team, such as the local fire department, is notified of the location of the Setting in writing, with a copy of this notification maintained in the Setting.
- 10. All windows identified as fire exits must have enough space for an adult to move through.
- 11. A comprehensive list of emergency telephone numbers, including poison control, is posted in a prominent place in the Setting.

R6-6-1110. Recordkeeping Pool Requirements

- ~~A. The licensee shall maintain a record for each client of medical history, dental history, educational experiences, and progress on ISPP activities.~~
- ~~B. The licensee shall obtain and provide to the Division receipts for expenditures for the client as required by the Division.~~
- ~~C. The licensee shall assist the client in maintaining a personal record of mementos, photos, letters, cards, report cards, and special projects.~~
- ~~D. The licensee shall keep copies of all licenses, certificates, and correspondence in a separate file to document compliance with sanitation, health, and environmental codes of state and local authorities.~~

A. For a Setting that has a Pool, the Qualified Vendor or Direct-care Worker shall ensure that:

1. That the Pool complies with A.R.S. § 36-1681 and all local municipal codes to the extent not inconsistent with this Section;

2. A fence meeting the following requirements is maintained between the Pool and the residence or any building used to provide care or supervision:

a. The exterior side of the fence is at least five feet high;

b. If the fence is chain link or lattice, each opening in the mesh measures less than one and three-quarters inches horizontally;

c. Chicken wire and other light gauge wire shall not be used as the fencing material for the Pool;

d. If the fence is constructed of vertical bars or wooden slats, the openings between bars or slats measure less than four inches;

e. The exterior side of the fence is:

i. Free of hand holds or foot holds or other means that could be used to climb over the fence;

ii. At least 36 inches from any object that could act as a foothold; and

iii. If it has a horizontal component the components are spaced at least 45 inches, measured vertically.

f. Gates for the fence and utility gates:

i. Are self-closing and self-latching and open out or away from the Pool;

ii. Has a gate latch that is at least 54 inches above the ground and is equipped with a key or combination Lock; and

- iii. Is Locked, except when there is an adult within the enclosure to supervise the Pool and spa area;
 - g. The connectors between panels of the fence cannot be separated without a key or a tool; and
 - h. The fence is secured to the ground or has sufficient tension to prevent the fence from being lifted more than four inches from the ground;
- 3. If the Home or building used to provide care or supervision constitutes part of the enclosure:
 - a. The enclosure does not interfere with safe egress from the Setting;
 - b. A door from the Setting does not open within the Pool enclosure or is permanently secured;
 - c. A window on the ground floor of the Setting and located in a room that is designated as a bedroom for an Individual Receiving Care is not positioned within the Pool enclosure;
 - d. Other ground floor windows from the Setting and within the Pool enclosure are permanently secured to open no more than four inches; and
 - e. Animal or doggie doors do not open directly into the Pool enclosure.
- B.** The Department shall not approve a Locked cover in lieu of the fence required under subsection (A).
- C.** After a fence has been inspected and approved by the Department as meeting the standards required under subsection (A), the Qualified Vendor or Direct-care Worker shall ensure that the fence is not dismantled or moved for as long as the provider is

Licensed or accredited by the Department to provide HCBS under Article 15 of this Chapter. by the Department.

D. If the Pool is deeper than six feet, the care provider shall ensure the following rescue equipment is available in the Pool area:

1. A shepherd's crook attached to a pole; and
2. A ring buoy attached to a rope that measures at least half of the distance across the Pool plus 10 feet.

R6-6-1111. ~~Health and Safety Standards in an Adult Developmental Home~~ Compliance and Accountability

- A.** ~~The licensee shall maintain the premises of the adult developmental home in a clean and sanitary condition to the degree that it does not present a health or safety hazard.~~
- B.** ~~The adult developmental home shall not have an accumulation of litter, rubbish, or garbage on the premises. Litter, rubbish, and garbage shall be contained in cleanable containers with lids or sealed disposable containers and shall be removed from the property not less than once a week.~~
- C.** ~~The licensee shall ensure that the adult developmental home is free from, or has an ongoing system to eradicate, insects, rodents, and other vermin.~~
- D.** ~~Before initial licensure and every three years thereafter, the adult developmental home shall be inspected and meet the safety and sanitation guidelines of the Department of Health Services unless otherwise specified by the Division.~~
- E.** ~~Adult developmental homes located in mobile homes shall pass an annual fire safety inspection as arranged by the Division.~~

- ~~F. The licensee shall keep toxic, poisonous, hazardous, and corrosive materials in locked storage unless otherwise specified in the ISPP of each client in the household.~~
- ~~G. The licensee shall keep medicines in separate locked storage unless otherwise specified in the ISPP of each client in the household.~~
- ~~H. The licensee shall keep firearms in locked storage and shall keep ammunition locked separately from the firearms.~~
- ~~I. Bedrooms shall have light, ventilation, and a usable and unobstructed exit to the outside in case of an emergency.~~
- ~~J. Telephone service or similar two-way communication methods shall be available in the home and shall be in working order.~~
- ~~K. Any permanent body of water shall be fenced and inaccessible to clients and shall meet the guidelines of the Department of Health Services unless otherwise specified by the Division.~~
- ~~L. The licensee shall not allow clients in swimming pool areas or in the area of other bodies of water unless supervised by a responsible adult or as specified in the ISPP.~~
- ~~M. The licensee shall store alcoholic beverages responsibly.~~
- ~~N. The licensee shall ensure that smoking of tobacco products does not occur while in an enclosed area with residents who do not smoke tobacco products.~~
- ~~O. The licensee shall make reasonable efforts to ensure family pets do not present a health or safety hazard to clients.~~
- ~~P. The licensee shall develop a fire evacuation plan and shall periodically practice the plan with the family members. The licensee shall up-date the fire evacuation plan as needed~~

~~based on placement changes, household member changes, and structural changes to the adult developmental home.~~

~~Q. The licensee shall equip the adult developmental home with smoke detectors and fire extinguishers which are in good working order.~~

A. The Qualified Vendor or Direct-care Worker shall:

1. Achieve and maintain full compliance with the requirements set forth in this Article;
2. Cooperate with the Department in assessing compliance with this Article; and
3. If an inspector identifies areas of noncompliance with this Article, take action to achieve or restore compliance within the required time-frames.

B. If an inspector identifies areas of repeated or significant noncompliance with this Article, the Department may enforce corrective action through regulatory or contractual remedies.

C. Agencies that employ workers as HCBS Qualified Vendors or Direct-care Workers that provide services in Settings other than the Member's own home or that contract with the Department for Habilitation-Vendor Supported Developmental Home Services shall:

1. Inform the Qualified Vendor or Direct-care Worker of the life safety rules specified in this Article before requesting an inspection by the Department;
2. Conduct a preliminary inspection of the intended Home or service site before a Life Safety Inspection is conducted by the Department;
3. Request initial and relocation inspections, following the protocol established by the Department, at least 30 days before the inspections need to be completed, and provide correct information to the Department including:
 - a. The name, address, and contact information for the Setting;

- b. The major cross streets or directions for locating the Setting; and
 - c. Contact information for the requestor;
- 4. Conduct routine oversight not less than annually of Settings to verify compliance with the requirements set forth in this Article;
- 5. Verify corrections made by the Qualified Vendor or Direct-care Worker in response to violations identified by the inspector or by the Agency, as applicable; and
- 6. Maintain records of the oversight provided to prepare the Qualified Vendor or Direct-care Worker, to ensure on-going compliance with the life safety requirements, and to verify corrections made to restore compliance with this Article.

D. The Department shall:

- 1. Conduct a full inspection to verify compliance with life safety rules before services may be initiated in a Setting;
- 2. Conduct a full inspection before services may be provided following the relocation of an established Setting;
- 3. Conduct a full inspection of each service site at least every two years;
- 4. Conduct a partial inspection to verify compliance with specific life safety rules following notification of significant structural modifications to a Home or the addition of a Pool;
- 5. Permit and encourage the Agency, Qualified Vendor or Direct-care Worker to make necessary corrections at the time of an inspection. For corrections that

cannot be made immediately, the inspector shall explain how and when corrections may be verified; and

6. The Life Safety Inspection shall include all rooms, dwellings, buildings and structures on the premises which a Member may be able to access.

R6-6-1112. ~~Transportation~~ Repealed

- ~~A. A licensee who transports clients shall have a current and valid driver's license and shall have liability insurance for any vehicle which will be used to transport clients. An Adult Developmental Home household member who transports clients must be 18 years of age or older and must be identified to the Division.~~
- ~~B. The licensee shall ensure that vehicles used for transporting clients are maintained in a safe operating condition.~~
- ~~C. The licensee shall ensure that clients wear seat belts or use an appropriate safety restraint while being transported.~~
- ~~D. A vehicle used to transport clients in wheelchairs shall also be equipped with floor-mounted seat belts and wheelchair lock-downs for each wheelchair being transported.~~

R6-6-1113. ~~Dual Licensure of Adult Developmental Homes~~ Repealed

~~Adult Developmental Home providers licensed by another jurisdiction, such as a county or a state agency other than the Department, or licensed by a tribal authority but located off-reservation, shall be licensed by the Division before the Division places a client in the Setting.~~

- ~~1. To be granted a license, the setting shall meet all requirements of this Article.~~

- ~~2. An Adult Developmental Home, licensed by another jurisdiction, seeking licensure by the Division shall sign a release of information to provide the Division access to the licensing files of the other jurisdiction.~~
- ~~3. An Adult Developmental Home licensed by another jurisdiction shall not be licensed by the Division to serve more than a total of three adults regardless of the placing agency.~~
- ~~4. The licensee shall not accept private placements or placements from other agencies or jurisdictions without prior approval of the Division.~~
- ~~5. The licensee shall notify the Division of any pre-placement conference with another agency or jurisdiction.~~

R6-6-1114. ~~Client Rights in Adult Developmental Homes~~ Repealed

~~The licensee shall uphold and safeguard the rights of clients consistent with applicable federal and state laws, specifically including A.R.S. § 36-551.01, unless legally restricted or as addressed in the ISPP in accordance with Article 9. In addition to those rights specifically stated in statute, rights shall include, at a minimum:~~

- ~~1. The right to be provided choices and to express preferences which will be respected and accepted whenever appropriate and possible;~~
- ~~2. The right to be free from personal and financial exploitation;~~
- ~~3. The right to a safe, clean, and humane physical environment;~~
- ~~4. The right to own and have free access to personal property;~~
- ~~5. The right to associate with persons of the client's own choosing;~~
- ~~6. The right to participate in social, religious, educational, cultural, and community activities;~~

- ~~7. The right to manage personal financial affairs and to be taught to do so;~~
- ~~8. The right to the least amount of physical assistance necessary to accomplish a task;~~
- ~~9. The right to privacy, including during treatment and care of personal needs and with regard to written correspondence, telephone communications, and visitations;~~
- ~~10. The right to have care for personal needs provided, except in cases of emergency, by a caregiver of the gender chosen by the responsible person or as specified in the ISPP; and~~
- ~~11. The right to be treated with dignity and respect.~~

R6-6-1115. Exemption Repealed

~~A license applicant or licensee may request from the Division an exemption of a rule contained in this Article. The request shall demonstrate that the intent of the rule will be met by alternate means and that the exemption will not endanger the lives or health of clients.~~

R6-6-1116. Home Inspections and Monitoring Repealed

- ~~A. The licensee shall cooperate with the Division in assessing compliance with this Article.~~
- ~~B. The licensee shall allow the Division access to the setting for home inspections and monitoring visits and shall allow the Division access to records, reports, and vehicles used to transport clients.~~
- ~~C. Monitoring visits shall include, at a minimum:
 - ~~1. An annual license renewal home visit; and~~
 - ~~2. Two monitoring visits each year, at least one of which will be unannounced.~~~~
- ~~D. The licensee shall comply with corrective action plans as required by the Division.~~

R6-6-1117. Complaints Repealed

- ~~A. Any person who has a complaint about an adult developmental home may make the complaint known verbally or in writing to the Department.~~
- ~~B. A complainant who has provided his name and address shall be notified that the complaint has been received and the notice shall indicate what investigative actions shall be taken.~~
- ~~C. The Department shall investigate complaints about adult developmental homes within ten calendar days of the receipt of the complaint and shall notify the licensee of the investigation. In a case where there is reason to believe that imminent danger exists, the investigation shall be conducted immediately and the licensee shall be notified.~~
- ~~D. The name or identifying characteristics of the complainant shall not be disclosed unless the complainant consents in writing to the disclosure or investigation of the complaint results in a legal proceeding and disclosure is ordered by an appropriate authority.~~
- ~~E. The Department shall notify the licensee of the results of an investigation conducted pursuant to this rule and the requirement for any corrective action that the Department deems necessary.~~
- ~~F. The licensee shall cooperate with the Division in completing investigations into complaints or concerns regarding the licensee and regarding clients placed in the home.~~

R6-6-1118. Denial, Suspension, and Revocation of Adult Developmental Home Licenses Repealed

- ~~A. The Division may deny, suspend, or revoke a license for violations of A.R.S. § 36-594.~~

B. ~~The Division may deny or revoke a license if a license applicant or licensee has been arrested for, convicted of, charged with, or pled no contest to any of the following criminal acts:~~

- ~~1. Sexual abuse of a child or vulnerable adult,~~
- ~~2. Incest,~~
- ~~3. First or second degree murder,~~
- ~~4. Kidnapping,~~
- ~~5. Arson,~~
- ~~6. Sexual assault,~~
- ~~7. Sexual exploitation of a child or vulnerable adult,~~
- ~~8. Commercial sexual exploitation of a child or vulnerable adult,~~
- ~~9. Felony offenses within the previous ten years involving the manufacture or distribution of marijuana or dangerous or narcotic drugs,~~
- ~~10. Robbery,~~
- ~~11. Child prostitution as defined in A.R.S. § 13-3206,~~
- ~~12. Child abuse or abuse of a vulnerable adult,~~
- ~~13. Sexual conduct with a child,~~
- ~~14. Molestation of a child or vulnerable adult,~~
- ~~15. Voluntary manslaughter, or~~
- ~~16. Aggravated assault.~~

C. ~~Upon notification that a member of the household or person living on the premises of an Adult Developmental Home is found to have been arrested for, convicted of, charged~~

~~with, or pled no contest to any of the criminal acts listed in subsection (B), the licensee shall immediately take the following actions:~~

- ~~1. Remove the person from direct contact with children;~~
- ~~2. Notify the Division, unless the licensee initially received notice from the Division.~~

~~**D.** If a licensee fails to comply with subsection (C), the Division shall revoke or suspend the license.~~

~~**E.** If the criminal record check indicates that an individual has been convicted of or found by a court to have committed, or is reasonably believed to have committed, offenses pursuant to A.R.S. § 36-594, other than those listed in subsection (B), the Division shall consider the following factors when determining what corrective action to take against the licensee:~~

- ~~1. The extent of the individual's criminal record;~~
- ~~2. Length of time since the commission of the offense;~~
- ~~3. Nature of the offense;~~
- ~~4. Mitigating circumstances surrounding commission of the offense. The burden is on the person to demonstrate that there were mitigating circumstances;~~
- ~~5. The degree of the person's participation in the offense. The burden is on the person to demonstrate that the involvement was not direct; and~~
- ~~6. The extent of the person's rehabilitation, including but not limited to:
 - ~~a. The person shall prove that probation has been completed and complete restitution or compensation for the offense has been made, and~~~~

- ~~b. Evidence of positive action to change criminal behavior, such as completion of a drug treatment program or counseling.~~
- ~~7. Personal references attesting to the person's rehabilitation.~~
- ~~F. When an application for a license is denied, or a license is suspended or revoked, pursuant to A.R.S. § 36-594, the Division shall deliver a written notice of the action in person or send a written notice of the action by certified mail to the license applicant or licensee. The notice shall state the reasons for the denial, suspension, or revocation with reference to applicable statutes and rules.~~
- ~~G. If the reason for denial, suspension, or revocation of a license involves the health, welfare, or safety of clients, the clients shall be immediately removed from the Adult Developmental Home.~~
- ~~H. When a license is denied, suspended, or revoked, the license applicant or licensee has the right to appeal the decision pursuant to Article 22.~~
- ~~I. The Division may suspend an Adult Developmental Home license for:
 - ~~1. Up to six months during an investigation or while the licensee completes a corrective action plan.~~
 - ~~2. Up to 12 months due to the temporary inability of the licensee to provide services.~~~~
- ~~J. No child can be placed in the adult developmental home during a suspended-license status.~~

R6-6-1119. Appeals Repealed

- ~~A. When an application for a license is denied, or a license is suspended or revoked, the Division shall notify the license applicant or licensee of the right of appeal pursuant to R6-6-2201 et seq. (Appeals and Hearings), except that appeals from the decision of a~~

~~hearing officer shall be in accordance with A.R.S. § 41-1992 (Hearing Officers Powers and Duties).~~

- B.** ~~If the license applicant or licensee appeals a licensing decision, the denial, suspension, or revocation of the license shall not become final until the appeal decision is rendered.~~
- C.** ~~If the adults placed by the Division have been removed from the home because of a health, welfare, or safety issue, they shall remain out of the home while the appeal is pending.~~